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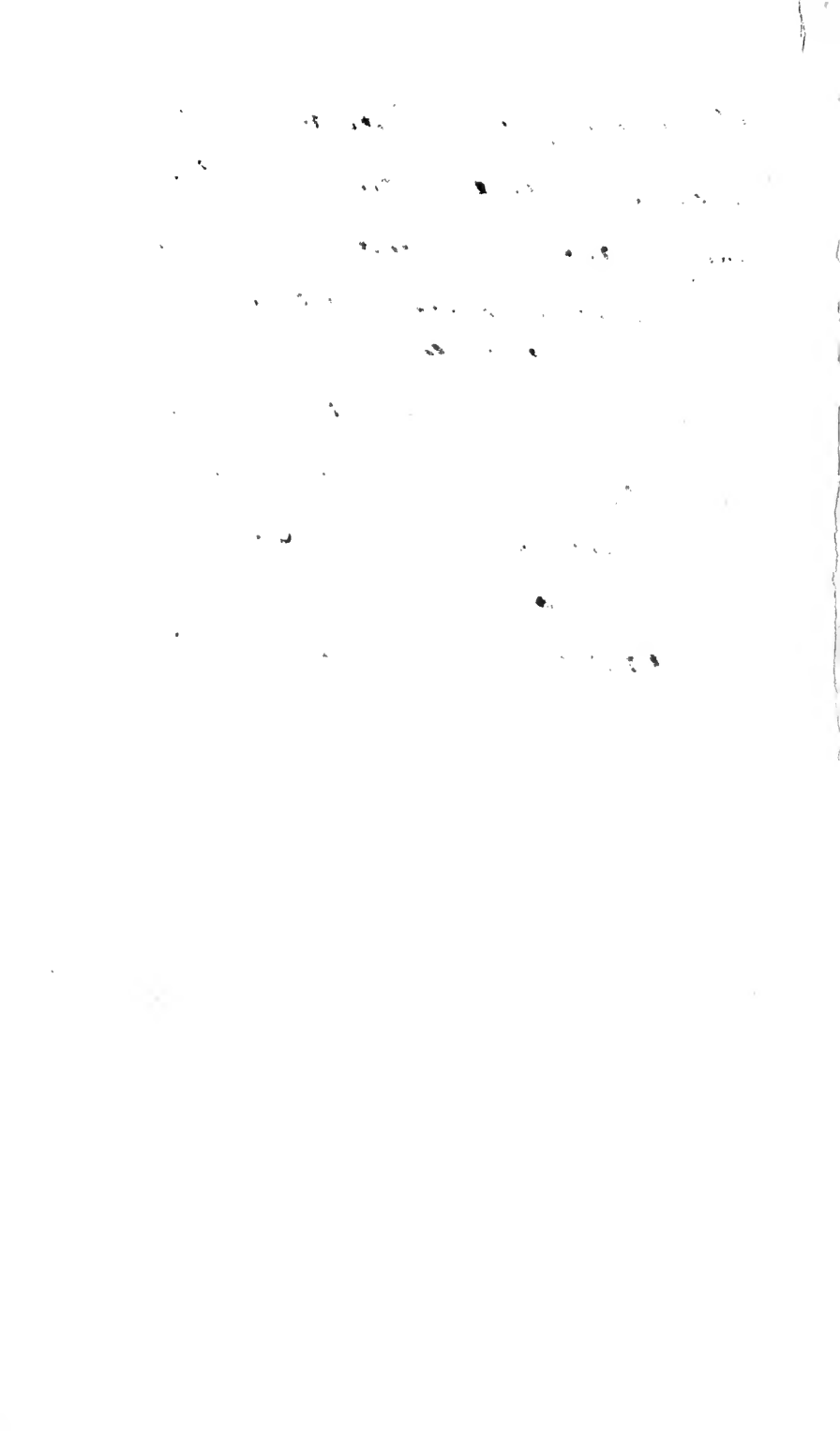
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THE

Statutes at Large;

BEING

A COLLECTION

OF ALL THE

LAWS OF VIRGINIA,

FROM THE

FIRST SESSION OF THE LEGISLATURE,

IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OF VIRGINIA,
PASSED ON THE FIFTH DAY OF FEBRUARY ONE THOU-
SAND EIGHT HUNDRED AND EIGHT.

VOLUME II.

BY WILLIAM WALLER HENING.

"The *Laws* of a country are necessarily connected with every thing belonging to the people of it, so that a thorough knowledge of *them*, and of their progress, would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law." *Priestley's Lect. on Hist. Vol. I. pa. 143.*

NEW-YORK:

PRINTED FOR THE EDITOR, BY R. & W. & G. BARTOW.

1823.

K
1825

We, Robert G. Scott, William Selden and William Robertson, members of the Executive Council of Virginia, do hereby certify, that the laws contained in the second volume of HENING's *Statutes at Large*, have been, by us, examined and compared with a copy as corrected by the certificate of the examiners heretofore appointed, from which they were taken, by Robert G. Scott and William Selden from page 17 to page 30 inclusive; by Robert G. Scott and William Robertson from page 31 to page 505 inclusive, and by Robert G. Scott and William Selden from page 506 to the end, and we have found the pages respectively examined by us, truly and accurately printed, except as to the following list of errata to the number of seven.

Given under our hands this 10th day of September, 1825.

ROBERT G. SCOTT,
WILLIAM SELDEN,
WM. ROBERTSON.

- Pa. 56, l. 5 from bottom, for "our of out" read "out of our."
 89, 5 " for "quartnernes" read "quarternes."
 194, 7 from top, for "otner" read "other."
 214, 7 " for "county" read "country."
 252, 13 from bottom, insert "it" between "care" and "hath."
 217, 3 from top, for "threof" read "thereof."
 274, 2 " for "pay" read "paying."

Edwards 6.0
LA-4072
Am. ...

PREFACE

TO THE

SECOND VOLUME OF THE STATUTES AT LARGE.

THE first volume of this work brings down the laws to the termination of the commonwealth of England, in May 1660.—This volume commences with the first session after the restoration of Charles II; and besides the acts of October, 1660, and March, 1660-1, which are prior to *Purvis's* printed collection, it contains all the laws to be found in that collection, with the addition of all those which had been omitted, including the laws passed during *Bacon's* opposition to the government, and under his immediate influence.

On comparing the printed laws in *Purvis*, with MSS. of the same date, which are of undoubted authenticity, it was discovered that many entire laws were omitted in that collection; that whole sentences were left out in others, and that innumerable typographical errors had been suffered to pass unnoticed, which totally varied the sense. These errors had been so generally copied into the revisals of 1733, 1752 and 1769, that it became necessary to give "*Various Readings*" at the bottom of the page. (a) The opinion heretofore entertained that *Purvis's* collection was the first revisal of our laws which appeared in *print*, has been found, on examination, to be incorrect. The revisal of 1661-2, was sent to London to be printed; (b) and, long before the publication of *Purvis*, (which was between the years 1684 and 1687 (c) it was referred to by the *printed laws*. (d)

Although the *acts* in this volume commence with those of OCTOBER, 1660, which was the FIRST YEAR of the ACTUAL REIGN of Charles II, yet, in conformity with the English chronology, which takes no notice of the existence of the commonwealth, *they* are here dated as of the 12th of Charles II. (e)

The first care of the assembly, after the restoration, was to provide for a new edition of their laws, with a view to adapt them to the change which had taken place in the government. This work was confided to Col. Francis Morrison, and Henry Randolph, clerk of the house of burgesses, by a resolution which passed at the session of March, 1660-1. (f) These revised laws were compiled

(a) See note to pages 41, 42
(d) See p. 189, 247.

(b) See p. 147. (c) See preface to vol. 1, p. v.
(e) See note to p. 11. (f) See p. 34.

from those previously enacted, with such alterations as rendered them consistent with the monarchical government then re-established. The preamble declares the principal object to be, to repeal and expunge all such laws, "as might keep in memory their enforced deviation from his majesties obedience." (g) By that code the *Common Law* of England is for the first time expressly adopted in Virginia; and all other acts of assembly not contained in that collection, are repealed. (h) This revisal forms the first part of *Purvis's* printed collection; and such of the acts as were in force at the respective periods of publishing the revisals of 1733, 1752 & 1769, are also to be found in those editions.

Many of our laws which have been supposed to have had their origin, at the date of their publication in *Purvis's* collection, because that was their first appearance in print, will be found to have been passed at a much earlier period. So, in some few instances, a date has been given to the origin of a law as published in *Purvis*, when in fact it had before been enacted, but the original law was omitted in his collection. Thus, the year 1679, has been fixed on as the period, when *Indian prisoners*, taken in war, should be free purchase to the *soldier* taking them; (i) or, in other words, might lawfully be made slaves. But it will appear, from a perusal of this volume, that the first law which authorised the making of *slaves* of *Indian prisoners*, was passed at the June session of 1676, under the influence of *Nathaniel Bacon, junior*. (k) The object of *Bacon* was to hold out inducements to those who would engage in the Indian war, at that time declared. Afterwards, at the session of February, 1676-7, the assembly recognise the principle established by *Bacon*, and expressly declare "that all such soldiers who either already had taken, or hereafter should take prisoners, any of our Indian enemies, or any other Indian plunder, and at the tyme of taking such Indians or Indian goods, then were or should thereafter be under lawful command from due and full authority, that they reteyne and keep all such Indians slaves, or other Indian goods as they either had taken or thereafter should take, to their own proper use, for their better encouragement to such service." (l) The act of 1679, is but a mere repetition of those of 1676 & 1676-7. (m)

The laws passed at the session of June, 1676, by an assembly under the influence of *Nathaniel Bacon*, the younger, and to which laws, the governor's assent has been said to have been extorted, will be found in this volume. They are most salutary in their tenden-

(g) See p. 42.
Munf. 149.

(h) See p. 43.
(k) See p. 343.

(i) See 1 Hen. & Munf 139. 2 Hen. &
(l) See p. 404.

(m) See p. 440.

cy, and prove incontestibly the very great abuses which had crept into the administration of the government. So essential were they deemed to the prosperity of the country, that although they were all repealed by instructions from the king, yet at the very next session they were nearly all re-enacted, in the very same words, *though under different titles.* (n)

So early as the year 1666, the question was agitated whether the governor and council, who exercised legislative functions, could take any part in laying taxes, then called *levies*. The house of burgesses insisted on their privilege of laying the taxes in their own house; which was deemed satisfactory, "and desired to remain on record for a rule to walk by for the future." (o)

The low price of tobacco, about this period, induced the assembly to adopt the singular expedient of directing a total suspension of the planting of it, at that time called a *cessation*. This subject engrossed their attention during several sessions: and, it was not until after repeated negotiations with the governments of Maryland and North-Carolina, that their favorite scheme was fully carried into effect. (p)

It is impossible to form a tolerably correct idea of the laws relating to real property, without a careful perusal of these volumes. Unfortunately, in the various revisals which we have had of our laws, but two (the edition of *Pleasants & Pace*, in 1803, and of *Pleasants*, in 1807) have any references to the laws from which they were originally taken. But even in them, it was impossible, in many instances, to go further back than some early revisal, chiefly that of 1748, because the first law which had ever passed on the subject was, at the date of their publication, locked up in manuscript. In the revisals too, there is seldom more than the enacting clause of the original law; whereas, in this work, the preamble, which generally precedes the enacting clause, shews the reason of the law, and the state of the country which led to the passing of it. Thus, the act authorising a feme covert to dispose of her interest in land, by joining her husband, in a conveyance, and acknowledging it in court, grew out of the practice of the country, from the first settlement of the colony. The preamble, after reciting that the legal mode in England for a married woman to pass her estate in lands, was by fine and recovery, which had never been introduced in this country, but on the contrary, nothing but a conveyance by husband and wife, with her acknowledgement in court, being first privately examined whether she acknowledged the same freely, "but there being no act of assembly to authorise the same;" it is

(n) See note to p. 391.
232, 251, 252.

(o) See p. 254.

(p) See p. 221, 224, 228, 229,

enacted that not only all sales and conveyances theretofore made, in that manner, should be effectual to pass the estate of the wife, but that all thereafter made, should be as effectual as if made by fine and recovery, or any other way whatsoever. (q) So, the law giving the owners of lands adjoining *swamps, marshes and sunken grounds*, the exclusive privilege of taking them up, for twelve months after notice by any other person of an intention to enter them, had its origin as far back as 1672; (r) but should it be necessary to trace the history of that law, few would have access to documents which would carry them farther back than the year 1748. The same observations might be applied to a great number of other laws.

The *Historical Documents*, at the end of this volume, will present some new and interesting views of a very obscure part of our history. It will be seen that, in consequence of a plot by a certain number of convicts, in 1663, to emancipate themselves from servitude, the further importation of that class of people, then called *jail birds*, was prohibited.—The negotiations of the commissioners from Virginia, with the British government, for the repeal of the improvident grant of Charles II, to Lords Arlington and Culpeper, of the whole colony of Virginia, for thirty-one years, and for a new and more perfect charter for Virginia, will evince at how early a period those seeds of dissension were sown which finally produced a separation of the colonies from the mother country. The right of the inhabitants of Virginia to be exempted from taxation, except by their own consent, is insisted on, with a degree of zeal and ability, which would do honor to statesmen of any age.—The whole proceedings of the courts martial, which sat on the trial of the adherents to *Bacon*, are inserted, from a record book in the office of the general court of Virginia, and shews the system of proscription and confiscation, which was pursued by the royal party. The fines imposed, *for the use of the governor*, Sir William Berkeley, had, no doubt, a due share of influence on the decisions of the courts.—The policy of the British government, in keeping the colonists in total ignorance, is strikingly exemplified in the answers given by Sir William Berkeley, to certain questions proposed to him by the lords commissioners for trade and foreign plantations, in the year 1670; and the suppression of the first printing press which appeared in Virginia, in the year 1682, was but a consummation of that favorite policy.

WILLIAM WALLER HENING.

Richmond, October 1, 1810.

(q) See p. 317.

(r) See p. 309

LIST OF GOVERNORS

OF VIRGINIA DURING THE PERIOD COMPRISED IN THIS
VOLUME.

[*From a MS. belonging to Thomas Jefferson, late President of the United States, and purchased by him from the Executor of Richard Bland, deceased.*]

(CONTINUED FROM VOL. 1, PAGE 5.)

SIR WILLIAM BERKELEY continued governor till 30th April, 1661, and then he being to go to England, the council elected colonel Francis Moryson to be governor and captain general of Virginia. Sir William Berkeley.

Moryson continued till Sir William returned, which was between September and 21st November, 1662. Francis Moryson.

Berkeley after that continued till 27th April, 1677, And then he was sent for by the king, and Herbert Jeffreys, esquire, was sent in to be his lieutenant, whose commission is dated the 11th November, 28 Car. II. (i. e. 1676.) Sir William Berkeley.

Jeffreys continued Lieutenant Governor till he died, which was December, 1678; and the 30th of that month Sir Henry Chicheley produced a commission, dated 28th February, 1673-4, to be deputy governor.* Herb. Jeffreys

* This account of the death of Hebert Jeffreys, and the accession of Sir Henry Chicheley, agrees precisely with the official documents preserved in the office of the General Court of Virginia.—In a book labelled *Bonds, &c. from 1677 to 1682*, No. 2, page 155, is the proclamation of Sir Henry Chicheley, dated December 30th, 1678, announcing the death of Jeffreys, and declaring his own pow-

Sir Henry
Chicheley.

Sir Henry continued till April 16th, 1683, on which day a commission to Thomas Lord Culpeper to be governor, dated 27th November 34th Car. 2d, was read.

[¶ This is a very imperfect and erroneous account of the continuance in office of Sir Henry Chicheley, and the accession of lord Culpeper. The facts were these: Thomas lord Culpeper, Baron of Thorsway, was appointed lieutenant governor of Virginia, by patent bearing date the 8th of July, in the 27th year of the reign of Charles II, (1675) long before his arrival in Virginia. He was sworn in as governor on the 10th of May, 1680. (See the patent at large, and the time and form of administering his oath; also a letter from King Charles II, dated 27th of December, 1677, addressed to Herbert Jeffreys, esquire, then governor, informing him that lord Culpeper had been appointed governor of Virginia, but that while he (Jeffreys) performed the duties of the office he should be no loser; and stating the arrangement which had been made as to the payment of their salaries: post pa. 564.) Sir Henry Chicheley acted as deputy governor, after the arrival of lord Culpeper, during his absence from the government, which was frequently the case. Thus we find in a book in the Register's office, No 7, labelled, '*Patents, from 1679 to 1689,*' pa. 49, the first patents signed by Lord Culpeper, were dated the 10th of July, 1680; in page 50, of the same book, there are patents, dated the 26th of September, 1680, signed by *Sir Henry Chicheley* as deputy governor; and in page 300, there are patents signed by Lord Culpeper, dated 29th of May, 1683. The circumstance of Henry Chicheley's acting as deputy governor has probably led the compiler into the above mistake.]

Lord Culpeper.

Thomas Lord Culpeper, (Baron of Thorsway) continued governor (from 10th May, 1680) till between May and September, 1683, and in that time appointed Nicholas Spencer, esquire, to be president. [¶ Lord Culpeper left Virginia in August, 1680, (See Bl. MS. pa. 475, and post pa. 561.) But he afterwards returned. For we find him making a communication to the council the 23d of May 1683. (See vol. 3. p. 546.) The first patent signed by Nicholas Spencer, as president, is dated the 17th of September, 1683. See book No. 7, in the Register's office, labelled, "*Patents, from 1679 to 1689,*" pa. 302.

Nichol. Spencer, president.

ers as deputy governor.—On page 204 of the same book, is a letter of king Charles II. dated April 1st, 1679, addressed to the council, informing them that he had heard of the death of Herbert Jeffreys, esquire, and of their acknowledgment of Sir Henry Chicheley, as deputy governor; which conduct he highly approves and declares his intention of sending over Lord Culpeper, as lieutenant governor. by one of the first ships coming to Virginia.

GRAND ASSEMBLY

HELD ATT JAMES CITTIE IN VIRGINIA THE 11TH
OF OCTOBER 1660 : TRESE ORDERS FOLLOWING
WERE MADE IN THE GOVERNMENT OF

The Right Hon. Sir Wm. BERKELEY his Majes-
ties* Governor.

Mr. THEODORICK BLAND *Speaker.*

[From a MS. received from Edmund Randolph, Esq. which was once the property of Sir John Randolph, who transmitted it to his son Peyton Randolph, Esq. after whose death, it was purchased, with his library, by Thomas Jefferson, Esq. from whom it was borrowed by Edmund Randolph, Esq.]

This MS. is now in the library of Congress at Washington.

ORDERED, That in consideration of the castle duties which by the last Assembly was granted to the right Hon. the Governour are returned to Coll. Morrison, to whom of right they belong that his honour be allowed sixty thousand pounds of tobacco this year out of the publique levy in leiu thereof.

Allowance to Sir Wm. Berkeley, in lieu of certain castle duties

ORDERED, That the commissioners of Nanseemun examine the buisnes of John Linge, and in case the said Linge be unpaid the whole or any part of what is ordered out of that county, that then they take care to see him satisfied forthwith, otherwise execution to issue against the commissioners according to act of Assembly.

Claim of Jno Linge, how satisfied.

* This was the first assembly held in Virginia, after the restoration of Charles II. which took place on the 29th of May 1660; and this is the first time that the word king, or *majesty* has occurred in the proceedings of the assembly from the commencement of the commonwealth, in England, until its termination, notwithstanding the assertion of Robertson and other historians that the colony of Virginia proclaimed Charles II. with all his titles, before the restoration was effected in England. See Note to Vol. 1 p. 526.

Arrears due the Gov. in Rappahannock, how levied.

ORDERED, That the commissioners of Rappahannock county have power to levie the arrears due to the right Hon. Sir William Berkeley upon the said county and take a special care for the payment alias execution &c.

Commr's. on Potomack same power as those on Rappahannock.

ORDERED, That the commissioners of both counties of Potomacke have the same power as the commissioners of Rappahannock concerning the arrears of the right Hon. Sir William Berkeley.

A bushel of corn per tith levied for the gov.

ORDERED, That a bushell of eares per pole be paid to the right honourable the Governour, by all the inhabitants of the country that are tithable and that for the better payment of the same the commissioners appoint two persons in each parish, to looke after the collection of it, and the people to bring the corne to such convenient places for boating as they shall appoint, and that it be readie by the last of January or sooner if the right honourable the Governour shall think fitt, and the said collectors having soe collected the corne and given notice to Sir William that the same is in convenient and secure places the said countys shall be discharged.

How collected.

Col. Carter required to divulge certain proceedings of the assembly of 1659.

ORDERED, That Coll. Carter vpon his oath declare the whole truth that passed between him and Coll. Claiborne at the Assembly in 53 or 54 concerning making an act of non-address to the right Honourable Sir William Berkeley.

Allowance to Major Gen. Hammond

ORDERED, That Major Generall Hammond have eleaven thousand pounds of tobacco allowed him out of the publike levie this yeare, & eleaven thousand pounds of tobacco the next as being employed by the right honourable the Gouvernour and countrey in the address to his Majestie for a pardon for the inhabitants of the countrey.

Final settlement with Col. Molsworth.

WHEREAS, certain differences have long depended between Coll. Guy Molsworth and the country and it hath bin proposed by the said Coll.

Molsworth to put a period to the same for six thousand six hundred pounds of tobacco and it was assented to by the house, it is therefore ordered that 6600 pounds of tobacco be paid him this yeare out of the levy.

ORDERED That Sir Henry Moody bee imployed in an embase by the right honourable the Governour to to the Manados about the affaires of the countrey shall have eleaven thousand pounds of tobacco out of the levie this yeare as a gratuity for his paines therein.

Embassy to
the Manados

ORDERED That Collonel Guy Molsworth have eleaven thousand pounds of tobacco allowed him out of the publique levie this yeare and eleaven thousand the next as being employed by the right honourable the Governor and country in the address to his sacred Majestie.

Allowance
Col. Molesworth.

ORDERED That Jenkin Price for some important service rendered in the preservation of severall persons among the Indians shall receive of the publique to be paid him out of the levie the next yeare, five thousand pounds of tobacco, which shall be tendred to his creditors as part of his estate, and his goods shall according to act of assembly redeem his person.

Donation to
Jenkin Price.

OREERED That by reason of the vnconcionable rates, smiths do exact on the inhabitants of this countrey for their worke, that the countie courts have power to regulate their accompts.

Blacksmiths
to be regulat-
ed.

* In the computation of the reign of Charles II. the English chronologists take no notice of the existence of the commonwealth; but date the commencement of the reign of Charles II. from the death of Charles I, on the 30th of January 1648-9. See *Newnam's Complete Conveyancer*, vol. 3. pa. 625. On the same principle, the statutes of England, and reports of the decisions of their courts, date the Parliamentary and judicial proceedings of 1660, as of the *twelfth* year of the reign of Charles II tho' in fact it was the *first* year after he came to the government. In the preceding volume, the acts from 1648-9 to 1659-60 were dated as of such a year of the *Commonwealth*; but since the restoration, it will be convenient to pursue the English method of computation, for the sake of reference only. It has been accordingly adopted.

Horse way
over Powhatan
swamp
where, and
how kept in
repair.

ORDERED that the horse way over Powatan swamp to James-Cittie be at Mr. Hunts mill and that he be allowed out of the levie next yeare five thousand, five hundred pounds of tobacco for repairing and maintaining the same for eight yeares except the county of James-Cittie before the tenth of february will vudertake the same on the same tearmes.

Hammond
exempted
from levies

ORDERED That Maj. Genll. Hammond and tenn persons be this yeare exempted out of the levy.

Surplus of
export duties,
how appro-
priated.

ORDERED That after the collectors have satisfied the right honourable the Governour the seaven hundred pounds allowed him out of the two and tenn shillings per hogshhead that the collectors pay the rest of the creditors and give an accompt to the next Assembly.

Rent of a
house for the
assembly.

ORDERED That Thomas Hunt have three thousand five hundred pounds of tobacco allowed him out of the levye for the vse of his house the Assembly sitting there.

Rent of
house for the
governor and
council.

ORDERED That Mr. Woodhouse have flour thousand pounds of tobacco allowed him out of the levye the next yeare, for the Governor and Councill sitting att his house.

Encourage-
ment for ex-
periments in
salt.

ORDERED that Daniel Dawen for his experimen of salte have his charges defrayed in towne out of the publique levie and bee exempted out of the Accomacke levie also.

A pass gran-
ted by the
governor,
confirmed.

ORDERED That the pass granted to Nicholas Perry by the governour bee assented to by the house who discharge the governour of his obligation, And further ordered that the creditors of the said Perry appeare next Charles Cittie county court to make their debts appeare and receive such payment as the said Perrys estate will afforde.

IT is the request of the house that the right Hon. Sir William Berkeley would take into his care the building of a state-house And what agreements he shall make, or shall be by his order expended for the same, it is ordered to bee paid out of the publique levie, and to bee raised by act of Assemblye.

State-house to be built.

ORDERED that Mr. Randolph draw vpp the accompts of the collectors of the two shillings per hogshead, and the arrears of the creditors and present them to the governour that the collectors may satisfie the same according to his order.

Accounts of collection of export duties, how settled.

ORDERED That all the quarter courts ameracements of fiftie pounds of tabaccoe per cause from the last assembly till the last of March next be paid to Coll. Morrison for severall services and remittance of arrearages to the country, and that the clarke issue out accompts thereof to the severall sherriffs to collect the same for him.

Amercements of quarter courts, how appropriated.

ORDERED That the honourable the governour have power to presse tenue men of the ordinarie sort of people, allowing each man two thousand pounds of tobacco per annum for their services and to employ them toward the building of a state-house.

Men to be pressed to build a state house.

ORDERED That Mr. Richard Bland be added to the comission of Elizabeth cittie, Captain Francis Gray, to the comission of Charles Cittie, Mr. John Vnderhill to the comission of Yorke in the place of Mr. felgate.

Certain persons added to the comission of the peace.

WHEREAS the Indians of Accomacke have complained that they are very much straightened for want of land, and that the English seat so neare them, that they receive very much damage in their corne, It is ordered that the right honourable the governour give comission to two or three gentlemen with a

Lands of Indians in Accomacke, to be surveyed, and secured to them without the power of alienation.

surveyor living on this side the bay (that have no relation to Accomack,) to go over thither, and lay out such a proportion of land for the said Indians as shall be sufficient for their maintenance with hunting and fishing excluded, And that the land soe laid out to be so secured to the Indians that they may have no power to alienate it, or any part of it hereafter to the English.

Lands of Wiccocomoco Indians, purchased by Col. Mathews, how titles to be confirmed to his heir.

WHEREAS the acknowledgment of the land of the Wiccocomoco Indians to Coll. Mathewes appears vpon record, but not how justly acquired nor whether voluntary or not, It is ordered by that a consideration of fiftie pounds vallew, bee proferred to the Indians for the said land by the guardians of the Coll. Mathewes his heire, which shall be at their free election to accept or refuse, & if accepted, the land to be confirmed by rights & pattents to the said heire, But if now refused, and the Indians shall hereafter desert the said lands then Coll. Mathewes his heire shall re-enter by virtue of his former grant, (any future alienation of the Indians to any other person hereafter notwithstanding) and enjoy the said land as his own forever; But in case of the disbursment of the money and the death of the said heire before he come to age then the guardians disbursing the aforesaid summe as joynt purchasers possess the land to them and their heires forever; And of the vallew of the goods, and of the Indians acceptance or refusall the governour and councill to be judges.

Purchase of lands by Col. Fantleroy, of the Indians proceedings on.

WHEREAS the committee hath reported that Coll. fantleroy hath from the Indians a conveyance of his land, and an acknowledgment made by them, but not according to act, and that this conveighance hath reference to a former deede whereby it is pretended by Coll. fantleroy that it evidently appeared hee had made the Indians satisfaction but neither the deed nor evidence appearing, and Coll. fantleroy petitioning for a reference, vpon pretence of further evidence, it is ordered that a reference be granted him till the next assembly, that in the meane time Coll. Carter acquaint the Indians what care the assembly take to preserve their rights, and that the said Coll. Carter bee

impowered in the said Indians behalfe to prosecute their cause the next assembly.

WHEREAS the placing of two distinct collectors in one river by reason off severall shippes ladeinge in divers places carries with it severall inconveniences It is ordered that Mr. Theodorus Bland and Mr. Henry Soane Collectors of the imposition of two and tenne shillings per hogshead be joyned in one comission and the profits to be equally devided.

Two collectorships consolidated.

ORDERED That Edward Prescott pay vnto Coll. William Kendall late collector of the two shillings per hogshead in Accomack thirty two shillings being the duty of sixteen hogsheads acknowledged by the said Prescotte to have bin received aboard his Catch for accompt of Mr. Richard Wright.

Judgment against Edward Prescott for arrears of export duty.

ORDERED That Edward Prescotte for severall scandalous mutinous and seditious words vttered against this Assembly be comitted to the custody of the sherriffe vntill further order from the governour and councill, and that he be suspended from his place in the comission.

Edward Prescotte committed for slandering the assembly.

ORDERED That Mr. John Pate, Mr. Anthony Savage and Mr. William Howard be added to the comission of Gloster county.

Commissioners of the peace appointed.

ORDERED That Mr. Thomas Taylor bee added to the comission of Nansemm.

Same.

ORDERED That Mr. Thomas Davis be exempted and dismist out of the comission of Nansemm.

Commissioner dismissed.

WHEREAS John Powell hath complained of damages done to him by the Indians it is ordered that the comissioners of the county of Northumber-

Retaliation on Indians.

land inquire into the said damages, and if vpon sufficient prooffe, they find any which are considerable the said comissioners are ordered to award satisfaction and to give notice to the cheife man or men among those Indians that if they do not comply with the said award, then soe many off them as the court shall thinke fitt shall be apprehended and sold into a fforraigne countrey to satisfie the award and vpon the Indians refusali to pay what is awarded the governour and councill are desired and authorized to cause some of those Indians to be apprehended and to bee accordingly disposed of, if they find it necessarie.

Some to be sold to compensate for private injuries.

Collectorship of Peter Ashton extended.

ORDERED That the comission of Captain Peter Ashton for the collection of two and tenn shillings per hogshhead do extend as farre as Northumberland county.

Bonds of masters of vessels in a penalty prescribed by the collectors.

WHEREAS it hath bin enacted that everie master of shipp or vessel should enter into two thousand bond with securitie for performance of such things as by the lawes of the countrey are enjoyned them, which being too greate a summe for small vessells, it is ordered that the severall summes in which they are to be bound be left to the discretion of the collectors who are to take the bond.

Additional commissioners for Westmoreland.

ORDERED That there be added to the comission of Westmoreland county Mr. John Lord Mr. John Mr. John Vauhan Mr. Andrew Monroe, Mr. Roger Parfit and Mr. Nathaniel Jones.

Commissioner dismissed.

ORDERED That Edward Bowman be dismiss out of the comission of lower Norfolk.

Denization granted.

WHEREAS Nicholas Boate hath petitioned for confirmation of his denization in Virginia The governour councill and burgesses have ordered that if he with his family shall constantly reside in Virginia two years, and afterwards continue to make this his place of residence, that then after the said two years expired he shall be admitted to enjoy all the priviledges an Englishman enjoyes in Virginia.

BY THE

GRAND ASSEMBLY

HELD AT JAMES CITY MARCH 32D 1660.—1*

[From a Manuscript belonging to Thomas Jefferson, late President of United States, and in his own hand-writing; having been transcribed by him from the original, in the office of the Grand Assembly.]

[This MS. is now in the library of Congress at Washington.]

ACT I.

WHEREAS the necessity of the country being in danger of the oppression company and the losse of our liberties for want of such an agent in England as is able to oppose the invaders of our freedoms and truly to represent our condition to his sacred majestie enforceth the employing a person of quality to present our grievances to his majesty's gracious consideration and endeavour the redresse which the right honorable Sir William Berkeley his majestyes governor hath been pleased to undertake, *Bee itt therefore enacted* that there be raysed by the country the some of two hundred thousand pounds of tobacco and cask for his the said Sir William Berkeley's support in his voyage; and that payment be made thereof by the 20th of January in Yorke river and James river to such persons as his honor shall appoint and that the secretary of state and speaker of the assembly signe a manifesto to the governor of the country's engagement for payment thereof.

Sir William Berkeley sent to England.

Expenses of his voyages.

* This is dated 1660 in the MS but by a letter addressed to the Editor by Mr. Jefferson, it is stated to be the session of 1660-1, which is certainly the true date.

ACT II.

An act prohibiting the importation of unnecessary commodities.†

Importation of certain articles prohibited.

WHEREAS the lowe prices of tobacco will hardly supply the urging and pressing necessities of the inhabitants of the country, and those necessities by the importation* and sale of superfluous comodities soe augmented that very few can with there annuall labour defray their annuall charge by which meanes they are reduced to that extremity that not being owners of their owne commodity (spent before made) they are forced to part with it at what rigorous rate soever the exacting merchant will please to propose for prevention* whereof *Bee itt enacted* that noe strong drinke of what sort soever, nor silke stuffe in garments or in peeces (except for whoods and scarfes) nor silver or gold lace nor bonelace of silke or thread nor ribbands wrought with silver or gold in them shall be brought into this countrey to sell after the first of February next under penalty of confiscation of the said goods by the sellar to the governor to be exported and the value thereof by the buyer to that good common-wealth man that shall discover it.

* The terminations *tion*, are generally written in the MS. "*con*."

ACT III.

Null and disagreed to.

That counties and parrishes be bounded.

Counties and Parrishes to be bounded by natural limits if practicable.

THAT for the prevention of the frequent suits and differences betweene county and county and parrish and parrish all counties and parrishes within this country shall within two years att furthest from the date hereof be limited within certaine naturall bounds and precincts (if they may be had) either by consent of the inhabitants or the judgement of the quarter courts, and where naturall bounds are wanting to supply that defect by marked trees which are to be viewed and re-

† This act, in the MS. is crossed with a pen: and, in the margin the following note is made, in the hand-writing of Mr. Jefferson: "So dashed in the roll. I conjecture it was negated by the Governor."

newed every three yeares by the nearest bordering inhabitants of each county and parrish in Easter weeke.

ACT IV.

Inhabitants to bring in their tithables.

WHEREAS the fraud of sherriffes in bringing in their lists hath very much augmented the taxes of the country, *Bee itt enacted* that for the better discovery of the number of tithables each county be divided into foure precincts in each of which a commissioner shall bee appointed to whom the constable in each precinct shall warne the inhabitants by the tenth of June to bring in the lists of their tithables which if any shall neglect he shall pay double taxes for his whole family, and if he give in a false list he shall pay treble taxes for every person concealed.

Four Commissioners to be appointed in each county for taking lists of tithables.

How taken.

Penalty

ACT V.

Persons dwelling in the rules of prisons.

WHEREAS many persons on purpose to delay or defraud their creditors take houses within the rules of the prisons and by that meanes avoid the punishment of restraint that is layd on others, *Bee itt enacted and ordained* that noe person dwelling within the rules of any prison shall have the benefitt of walking in the rules or lodging in his owne house but shall be confined to close imprisonment and if the sherriffe shall permit any person soe dwelling within the rules as aforesaid to goe abroad out of prison though with a keeper he shall be liable to pay the debt as in case of escapes.

No person dwelling in the prison bounds to walk in the rules, or lodge in his own house.

ACT VI.

Ordinarie keepers to give bond.

FOR preventing of many disorders and riotts in ordinaries and other places where drinke is retayled *Bee itt enacted* that noe person or persons whatsoever shall in their houses retayle any drinke, but such as shall obtaine a lysence from the commissioners of the county where he lives signed by the first in commission

No person to retail liquors without licence, and giving bond.

Fee to the
Governor.

of that county by giving bond according to the lawes of England and further oblidging himself to sell at the rates set by the commissioners and to pay annually to the use of the governor three hundred and fifty pounds of tobacco and caske for his lyesence.

ACT VII.

Noe county to choose above two Burgesses.

Number of
Burgesses to a
county, limited
to two.

Proviso.

WHEREAS the charge of assemblies is much increased by the great number of Burgesses, *Bee itt enacted* that hereafter no county shall send above two Burgesses who shall be elected at those places in each county where the county courts are usually kept, provided allwaies that James Citty being the metropolis of the country shall have the priviledge to elect a Burgesse for themselves and every county that will lay out one hundred acres of land and people itt with one hundred tithables persons, that place shall enjoy the like liberty and priviledge.

ACT VIII.

None to trade with the Indians but by commission.

No person to
trade with the
Indians without
a license.

Penalty.

WHEREAS the frequent entercourse of diverse ill minded, idle, and unskillfull people with the Indians filleth the people with rumours, disturbs the peace of the country, supplyeth the Indians with guns and amunition and renders the trade (the chiefe support of our neighbours) and the government farr more dangerous then fruitfull; *Bee itt therefore enacted* that no person hereafter shall trade with the Indians for any bever, otter, or any other fures unlesse he first obtaine a commission from the governor who is desyred to grant the same to none but persons of knowne integrity, *And be it further enacted* that every person hereafter tradeing without such commission first obteyned shall forfeit for the first offence five hundred pounds of tobaccoe for the second one thousand pounds of tobaccoe ffor the third offence fiftene hundred pounds of tobaccoe and forfeit besides all his tradeing goods.*

ACT IX.

Regulation of commissioners.

WHEREAS the great number of commissioners in each county hath rendered the place contemptible and rased factions among themselves rather then preserved the peace of the people, *Bee itt enacted* that the commissioners in each county be restrained to the number of eight (of which the sherriffe to be one) being at present the eight first in each commission, unlesse some knowne defect or to neere relation to some other of the commission shall render them incapable *And be itt further enacted* that the sherriffes place shall after this yeare be conferred on the first in commission, and so devolve to every commissioner in course.

Number of Magistrates in a county limited to eight.

Office of sherriff to devolve on the magistrates in rotation, beginning with the eldest.

ACT X.

Apprehending of Runawayes.

WHEREAS the pursuit and takeing of runawaies is hindred chiefly by the neglect of constables in making search according to their warrants, *Bee itt enacted* that every constable shall make diligent search and inquiry through all his precincts, and what constable soever shall upon search apprehend such runawayes shall receive from the master of the servant for his encouragement two hundred pounds of tobaccoe, and if any constable shall neglect he shall be fined three hundred and fifty pounds of tobaccoe and caske according to former act.

Reward to Constables for apprehending runaway servants

Penalty for neglect.

ACT XI.

Act for five shillings per barrell on meat exported repealed.

BEE it enacted that the order of the governor and counsell imposeing five shillings on each barrell of prvision exported be confirmed and continue in force until the end of July next and then to expire and after that the exportation to bee free.

Exportation of provisions to be free.

ACT XII.

Bills and Judgments how long pleadable.

(See vol. 1 page 390. 483.)

Limitation of recovery on bills and bonds.

On judgments.

Proviso.

WHEREAS the nature of our trade in Virginia inforceth us to engage by bills, bonds, judgements and other writings for discharge of which in part or in whole the debtor is constrained to accept of receipts whereby the said bills bonds judgements and writings remaine still in the hands of the creditor and the receipts being oftentimes lost upon the death of the debtor or being alive and not able to prove painment those debts are frequently unjustly demanded againe and recovered which had before beene justly paid and discharged for remedy whereof *Bee itt enacted* that noe bills or bonds be of force or recoverable five yeares after the date of the said bills nor any bills heretofore made five yeares after the date of this act as alsoe that noe judgment shall be of force seven yeares after the grant thereof or date of this act as aforesaid, But if the debtor shall depart the country and by that meanes render the renewing of the bill impossible such time of his absence shall not be esteemed any part of the five or seven yeares limited.

 ACT XIII.

Writts for Burgesses how to be sent.

Secretary to send writts for election of Burgesses.

His allowance a hhd. of tobacco weighing 350 pounds, for each county.

WHEREAS no provision hath beene made for the certaine conveyance of publique writtes for the election of Burgesses whereby the delivery of the said writtes being retarded the sherriffe hath no time to convene the people to make their elections nor make return of their writtes nor can the Burgesses appeare att the day, for the remedie whereof *Bee itt enacted* by this present grand assembly that the secretary provide for the conveyance of the writtes for Burgesses into every county, and to be delivered to the sherriffe thereof and for his paines be paid one hogshede of tobaccoe weighing three hundred and fiftie pound by every county, and in case any neglect be proved against him that he be fined according to his offence att the discretion of the assembly.

ACT XIV.

Burgesses charge ascertained.

WHEREAS, the excessive expences of the Burgesses causing diverse misunderstandings between them and the people occasioned an injunction to make an agreement with them before their election which may probably cause interested persons to purchase votes by offering to undertake the place at low rates and by that meanes make the place both mercenary and contemptible, *Bee itt therefore enacted by this present grand assembly*, that the allowance for their maintenance be ascertained to one hundred and fifty pounds of tobaccoe per day besides their charge in going and coming.

Wages of Burgesses limited.

ACT XV.

Provision for the Fort dutys in Potomak.

WHEREAS, there is an act of the last assembly provideing for the secureing the payment of the two shillings per hoghead due to the countrey But noe provision made therein for securing the payment of the fort dutyes, Potomak, Accomak, Linhaven and other places from whence they fetch their tobaccoe in sloopes, *Bee itt enacted* that the said act shall as well extend to cause the planters loadeing it to reserve and make payment of three pence per hoghead for fort duties of the said tobaccoe as for the payment of the two shillings per hoghead.

Three pence per hhd. on tobacco, as fort duties.

ACT XVI.

Subpoenas and evidences.

WHEREAS, subpoenas frequently issue for the appearance of divers persons to give in their evidences as well at quarter as att county courts but noe sett penaltie expressed in the writte for default of appearances nor sett allowance for their charges in case they doe appeare, *Bee itt enacted and confirmed*, that all evidences shall be allowed for the time of their coming and going to and from the court twenty pounce of tobaccoe per day and for the time they attend there untill they have given in their evidence forty pounce of tobaccoe per day, and that the penaltie of

Allowance to witnesses for attendance.

Fines for non-attendance.

But three witnesses to

an action, taxed in the bill of costs.

non-appearance att the quarter courts be one thousand pounds of tobaccoe and att the county courtes three hundred and fiftye pounds of tobaccoe, *bee itt also enacted*, that there shall not be allowed in any bill of costs the charge of above three wittnesses to one action.

ACT XVII.

Commissioners to raise a levy.

Governor and Council empowered to lay taxes for three years.

* So in the roll. M. S.

WHEREAS, the necessary charge of the country doth enforce the raysing of an annuall levy which being commonly done by an assembly the charge of which doth most times equall *itt** not excede all the other taxes of the countrey, *Bee itt therefore enacted*, that the governor and councill in September 1662 shall have power to raise and proportion a levy to defray the country debts and salaries allowed by the assembly, and such other debts also as they shall find justly and necessarily due according to the number of tithables, provided the whole amount not to more than twenty pounds of tobaccoe per poll and this act to continue for three yeares unlesse some urgent occasion *present** in the meane time of calling an assembly and that the levy may be truly proportioned, *Bee itt further enacted*, that every clarke of a county court transmitt the certyficat of the number of tithables in his county to the secretaryes office in every September court,

^a So in M. S.

When clerks to return lists of tithables to the secretary.

ACT XVIII.

January 30th to be kept fast.

The 30th of Jan. a holy-day, in commemoration of the death of Charles I.

WHEREAS, our late surrender and submission to that execrable power that soe bloody massacred the late king Charles the first of ever blessed and glorious memory hath made us by acknowledging them guilty of their crimes to shew our serious and hearty repentance and detestation of that barbarous act, *Bee itt enacted*, that the 30th of January the day the said king was beheaded be annually solemnized with fasting and prayers that our sorrowes may expiate our crime and our teares wash away our guilt.

ACT XIX.

May 29th to be kept holy.

SINCE God of his mercy hath been pleased to restore our late distracted kingdomes to peace and unity and his late distressed majesty to the throne of his royall ancestors, *Bee itt enacted* that in testimony of our thankfulness and joy the 29th of May the day of his majestie birth and happy restitution be annually celebrated as an holy day.

The 29th of May, a holy-day in commemoration of the restoration of Charles II.

ACT XX.

Provision for a colledge.

WHEREAS the want of able & faithfull ministers in this country deprives us of these great blessings and mercies that allwaies attend upon the service of God which want by reason of our great distance from our native country cannot in probability be allwaies supplied from thence, *Bee itt enacted* that for the advance of learning, education of youth, supply of the ministry and promotion of piety there be land taken upon purchases for a colledge and freeschoole and that there be with as much speede as may be convenient houseing erected thereon for entertainment of students and schollers.

Land to be taken, up and houses erected for a colledge.

ACT XXI.

Vestry not to exceed twelve.

FOR the more orderly managing the parochiall affaires *Bee itt enacted* that noe vestry shall consist of more than twelve persons to be chosen by the major part of the parrish and that those soe elected shall take the oaths of allegiance and supremacy and subscribe to be conformable to the doctrine and discipline of the church of England, and if any person elected shall deny to take the said oaths or make such subscription he shall not be admitted.

Number of Vestry

How chosen. Oaths, and subscription.

ACT XXII.

English running away with negroes.

English ser-
vants running
away with ne-
groes, how
punished.

BEE itt enacted That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time, *Bee itt enacted* that the English so running away in company with them shall serve for the time of the said negroes absence as they are to do for their owne by a former act.

ACT XXIII.

The act for flax seed prolonged.

Quantity of
flax per poll;
to be raised.

When

SINCE flax seede cannot be procured to sowe in the time limited in the act provideing for the making of six pound of yarne per poll, *Bee itt enacted* that the time of putting the said act in execution be prolonged untill the first of march 1662 and that afterwards it be strictly observed.

ACT XXIV.

Chyrurgeons accounts pleadable.

Physicians
and Surgeons
accounts, how
& when reco-
verable of de-
cedents,
estates.

WHEREAS by a former act of assembly no accompts are pleadable against dead mens estates whereby some scruples have beene made about the accompts of physitions and Chyrurgeon cannot possibly take bills, *Bee itt therefore enacted* that physitions and chyrurgeons accompts shall be pleadable and recoverable for meanes administred and paines taken in the fitt of sicknesse whereof the patient dyes, and where the patient recovers six months after such recovery and noe longer.

ACT XXV.

Clarkes fees.

Limitation
of recovery of
clerk's fees.

May be dis-
trained for

WHEREAS by a former act of assembly clarkes of courtes were made incapable of recovering their fees after they had beenc two yeares due, *Bee itt enacted* that the said act be repealed, and that all their accompts shall be three years pleadable and that hereafter all sherriffes or collectors shall either receive, distreine for, or secure by bill all secretarype or clarkes of

courts accompts delivered them being allowed for their paines ten per cent for what is received and five per cent for what bills are taken and the sherriffe or other collector not receiving or secureing as aforesaid to be responsible for the accompt omitted *Provided* that they the said sherriffe or collectors shall not be lyable for the accompt of any person removeing out of the county before the laying the leavy unlesse they receive the leavyes or sherriffe fees and then to be accomptable for the clarkes fees alsoe *Provided allsoe* that the clarkes deliver or send their accompts attested under their hands to the said sherriffes or collectors within foure dayes after laying the levy in there severall countyes.

Commission.

When sheriff liable.

Proviso.

When clerks tickets to be delivered.

ACT XXVI.

Answers to be filed.

FOR the better regulating the courts of justice in keeping the records & transferring their presidents to posterity and prevention of nonsuits upon mistakes of the grounds of orders, *Bee itt enacted* that as the plaintiffe files his declaration soe the defendment may put in his answer in writing and that the judgement if for the plaintiffe may be endorsed on the declaration if for the defendant on the answer, and all evidences concerning that cause to be fyled with them, and by the clarkes carefully preserved.

Pleas may be filed in writing.

How judgments indorsed.

ACT XXVII.

Administrators and Administrations to be recorded in the Secretary's office.

FOR the better discovering of the estates of all dead persons probates and administrations being now usually granted in county courts by which meanes strangers that are either the creditors or kindred of the party deceased comeing in are either utterly disabled or very much troubled to find out the records in which the accompt of the estate is exhibited, *Bee itt enacted* that before the commission of administration be signed they be all transferred to the secretarie's office and there entred (*vizt.*) the name of the testator or deceased the executors or administrators and their security and the county and parrish wherein they dwell, and the

All administrations to be certified to, and recorded in the Secretary's office.

In what manner

court wherein the administration is granted, by which meanes fraud and concealments will bee avoyded and those to whom of right they appertaine easely informed where to find them.

ACT XXVIII.

Certificates to be recorded in the Secretary's office.

No pass to be granted by the Governor but on certificate filed in the secretary's office.

TO prevent the frequent suites arising betweene the masters of ships & the inhabitants of this countrey about persons exported (viz.) whether they have passes or noe & if passes whether obtained by certificate or security *Bee itt enacted* that noe passes be granted by the governour but such as have first the testimony of the secretarie or his officer that the certyficate or bond be in his office recorded by which meanes caveats will become effectuall and all differences prevented and that the secretary have the fee.

ACT XXIX.

Licenses and securityes ret. to the Secretary's office.

Eldest magistrate to sign marriage licenses.

Clerk of county court to certify marriages &c. annually to secretary's office.

WHEREAS the scarcity of ministers renders the legall publications of banes (att present) impossible and thereby necessitateth the more frequent granting of lycences which issueing only from the governor whose knowledge of persons cannot possibly extend over the whole country, that the first in commission of every county court shall (ex officio) signe the lycences and take able and knowne security and in every September court the clarke remit the names of the persons married the security and tenor of the bonds to the secretarie's office there to be recorded, that the governor may have accompt of his fees (which the sherriffe with their leave shall collect) and the legall graunt of the lycences be made evident.

ACT XXX.

Inquiry to be made after the 15lb. tobo. per poll.

BEE itt enacted that inquiry be made concerning the fiteene pounds of tobaccoe per pole which was to bee levyed yeerely, by act of assembly for the building and repaying of churches, the purchasing of glebe lands and raying stock upon the same viz: whether the same hath bene levyed and disposed to those ends for which itt was designed by the said act of assembly.

(See vol 1.
pa. 400.)

ACT XXXI.

Agreement with Ministers.

BEE itt enacted that the parrishes which are destitute of present incumbents or their respective vestries over all the countrey bee enjoyned forthwith to conveene and agree what maintenance they can and will allow unto ministers when they shall be supplied with them and to testify there agreement therein by subscription to be conveyed unto such person or persons as the assembly shall appoint: which subscriptions to bee obligatory and pleadable in any court and that not only for a yeare but for as long as the minister shall agree with them, and that the agreements already made betwixt rector now resident and their severall parrishes may be confirmed by act or order of assembly for as long time as the present incumbent shall bee willing to continue in the said parish.

Vestries to determine what allowance they will make to ministers.

ACT XXXII.

Readers to be appointed in vacant parrishes.

BEE itt enacted that in all parrishes destitute of incumbents there may be for the present necessity readers appointed of sufficient abilities to reade the prayers and homilies of the church (where they can be procured) and to catechise children and servants according to that excellent forme presenting the church of England as hath bene used in the times of queene Elizabeth when there was a scarcity of orthodoxe reformed ministers to supply the congregations and that

Readers in vacant parishes, how appointed.

Their duty.

those readers bee chosen by the advice, and with the approbation of the next adjacent ministers.

ACT XXXIII.

Parishes to provide church ornaments.

What ornaments to be provided for the churches,

BEE itt enacted that the parrishes be enjoyned to provide att their one cost a great church bible and two bookes of common prayer in folio for the minister and clarke according to the act of parliament before the common prayer booke; as also communion plate, pulpitt cloth and cushion that all things may be done orderly and decently in the church.

ACT XXXIV.

Encouragement for ministers.

Glebes to be provided for ministers, with houses, and stocks.

LEE itt ordered that the encouragement of ministers to come into the countrey and there better accomodation when come there be glebes provided for every parrishe (according the king's instruction for seating this countrey) with convenient houseing and stockes upon the same: and that such parrishes which by reason of the paucity of titiable persons are not able to afford a competent maintenance for the ministers, bee united and annexed unto the next adjacent parrish or parishes, which are of more abilitye and greater number.

ACT XXXV.

A petition in behalf of the Church.

A petition to the king to promote colleges, and schools, also for providing ministers.

BEE itt enacted that there bee a petition drawn up by this grand assembly to the king's most excellent majestie for his letters pattents to collect and gather the charity of well disposed people in England for the erecting of colledges and schooles in this countrey

and alsoe for his majesties letters to both universities of Oxford and Cambridge to furnish the church here with ministers for the present and this petition to be recommended to the right honorable governor Sir William Berkeley.

ACT XXXVI.

Quitrents how to be paid.

WHEREAS his majestie hath by his commission appointed a treasurer to receive the quitrents and other fees and profitts due to his majestie and the payment of quitrents being due in money which we, being destitute of coine, cannot procure, *Bee itt enacted* that those persons that cannot procure money shall pay their said rents in tobaccoe at two pence per pound to such collector or collectors as by his majestie's treasurer shall be appointed and that the countrey paying their rents double the two next yeares shall be acquitted from all arreares by assent of the honorable Sir William Berkeley who is authorised by the treasurer to make compositions.

Quit-rents payable in tobacco at 2d per pound.

Arrears how compounded for.

ACT XXXVII.

A publique committee appointed.

WHEREAS the addresses to his most sacred majesty cannot conveniently be finished at present and whereas there is a necessity of a committee to meete in September to joine with the governor and council for the proportioning the levy receiving the missives from England and returning answers unlessse the case requires the meeting of the assembly *Bee itt enacted* that Mr. Henry Soane speaker of this present assembly Nathaniell Bacon esq. Coll. Miles Cary, Major Nicholas Hill, Capt. Robert Ellyson, Capt. George Jordan, Mr. Walter Chiles or any four of them be empowered by this assembly to receive the commands of the right honorable Sir William Berkeley and to act

a committee appointed, to act in the recess of the assembly.

in the premises according as occasion shall require at such time as the governor shall appoint.

ACT XXXVIII.

Ten persons to Counsellors.

Act for allowance to councillors repealed: but ten of their family exempted from taxes.

WHEREAS the present necessities of the country and the urgent occasions of disbursements enforce the restraint of some publique allowances and especially hoping that his gracious majestie will now please to prescribe a way for the maintenance of his councill, *Bee itt enacted* that the act or order granting them two thousand pounds of tobaccoe each be repealed and they have only the allowance of ten persons and themselves to be exempted from the levys as in his majestie time was allwaies accustomed.

ACT XXXIX.

No tobacco to be planted after the last of June.

Penalty

Proviso, that Maryland accedes.

WHEREAS the restraining the time of planting to the last of June may besides other conveniences produce as well the improvement of the price as the amendment of the quality of tobacco *Bee itt enacted* that none plant or replant any tobacco after the said last of June under penalty of ten thousand pounds of tobacco to be forfeited by the breaker thereof one halfe to the publique the other halfe to the informer, Provided that if Maryland joyne not with us in observation of this act (whereof notice to be given to the severall counties by the last of May) then this to be null and the former act for the tenth of July to stand in force.

ACT XL.

(See vol. 1, p. 126, 420, 481, 520.)

BEE itt enacted that the act for Mulberry trees be revived.

BEE it enacted that this assembly be adjourned until the twenty third of March next.

WILLIAM BERKELEY.

HENRY SOANE, Speaker.

ATT A

GRAND ASSEMBLY

HELD AT JAMES CITTIE IN VIRGINIA THE 23RD OF
☞ MARCH 1660-1* THESE ORDERS F FOLLOWING
WERE MADE IN THE GOVERNMENT OF

The Right Hon. Sir Wm. BERKELEY his Majes-
ties Governour.

Mr. HENRY SOANES *Speaker.*

[From a MS. received from Edmund Randolph, Esq. ☞ This MS
which was once the property of Sir John Randolph, is now in the
who transmitted it to his son Peyton Randolph, Esq. library of
after whose death, it was purchased, with his library, Congress, at
by Thomas Jefferson, Esq. from whom it was borrow- Washington.
ed by Edmund Randolph, Esq.]

ORDERED That Martin Baker high sherriff of Martin Baker
New Kent for his vndue proceeding in the election of sheriff of New-
the Burgesses of the said county, to the end it may Kent fined, for
serve as an example to make others more care-full his conduct re-
in the due execution of their places be fined five hundred lating to the
pounds of tobaccoe and pay costs. election of
Burgesses.

* The date of these *orders* agrees precisely, in the manuscript, with the *acts* of the last session, "23d of March 1660:" but they were certainly passed at an assembly held on the 23d of March 1660-1.—This appears 1st from the circumstance of their being placed after the acts of October 1660, and their referring to them; 2dly from the fact that, in the orders of this assembly, an order of the quarter court of "the 27th of March 1661" is referred to (see post page 35). It will be recollected that until the year 1752, the new year was annexed to the old between the first of January and 25th of March; thus January, February, and until the 25th of March, 1660-1; but after the 25th of March the new year was alone used, as March 26th 1661. These dates were however, often confounded. See vol. 1, pa. 494.

This assembly commencing their session on the 23d of March 1660-1, might well take notice of an order of the quarter court of the same month, and call it the "27th of March 1661." For at that time, the new year had commenced, and the date was pro-

Lands of Chickahominy Indians confirmed.

No purchases to be made of them but by consent of the quarter court, or assembly.

UPON the petition of Harquip the Mangai of the Chickahominy Indians to have all the lands from Mr. Malorys bounds to the head of Mattaponi river & into the woods to the Pamaunkes *It is accordingly ordered* that the said land be confirmed to the said Indians by pattend, and that no Englishman shall upon any preterece disturbe them in their said bounds nor purchase it of them unles the major part of the great men shall freely and voluntarily declare their consent in the quarter court or assembly.

Philip Malory sent to England, to solicit the cause of the church.

WHEREAS Mr. Phillip Mallory hath been eminently faithfull in the ministry and very diligent in endeavouring the advancement of all those meanes that might conduce to the advancement of religion in this country, *It is ordered* that he be desired to undertake the soliciting our church affaires in England, & that there be paid him as a gratuity for the many paines he hath allreadie and hereafter is like to take about the countreys buisness the sume of eleaven thousand pounds of tobacco, to be paid in the next levy.

Committee appointed to revise the laws.

Their compensation.

ORDERED That Collonel Francis Morrison and Henry Randolph clerke of the assembly review all the acts, peruse the records, give dates to the severall acts, from the first time of their being in force and present a draught of them with such alterations & amendments as they shall find necessary to the next assembly, and that there be paid them for their paines ffifteen thousand pounds of tobacco out of the next levy.

Denization renewed in the name of the king.

WHEREAS Nicholas Boot had his denization granted him by the assembly in March 1658, and hath now petitioned that the same may bee renewed in his majesties name, *It is accordingly ordered* that he shall have his pattend renewed provided he take the oaths of allegiance and supremacy.

perly 1661. But had this been a session of March 1660, it would have been impossible for the assembly to have referred to a proceeding in the quarter court of March 1661.

From the *date*, and the *names* of the *Governor and Speaker*, there can be no doubt but the following *orders* passed at the same session with the preceding *acts* of March 23d 1660-1. They are what would now be termed *resolutions* and chiefly relate to subjects of a private and local nature. But many of them throw considerable light on the history of the period when they passed.

WHEREAS a certaine grant hath been made to the Chickahomini Indians of certaine lands in which tract Major Gennerall Manwaring Hamond claimeth a devident of two thousand acres granted him by pattent, It is ordered, that the said Major Gennerall Hamond be desired to purchase the same of the Indians or to procure their consent for the preservation of the countreys honour and reputation.

Certain lands within the bounds of the Chickahominy Indians, to be purchased by the claimant.

WHEREAS there hath been a gennerall complaint made by master of shippes that wee had neither pilotte nor beacons to direct them in their bringing their shippes upwards *It is ordered* that capt. William Oewin bee made cheife pilott of James river and that for his encouragement therein he shall be paid for the pillotage of all vessells above eighty tunnes five pounds sterling if he be employed and if not employed fourty shillings And every master of a shipp or vessel that shall anchor within Point Comfort having or not having a pilott to pay thirty shillings to the said pilott for beaconage, *And it is further ordered* that the said pilott shall make place and maintaine good and sufficient beacons in all necessary places from Willoughbies Shore including the whole Shore to James Cittie, And all such beacons afterwards lost, removed or wanting repaire to be renewed or repaired within fifteen days by the said pilott.

Pilot appointed.

Rates of pillotage.

Pilot to provide beacons.

ORDERED That the order of the quarter court of the 27th of March 1661 prohibiting Roger Partridge and Elizabeth his wife to keep any maid servant for the tearme of three yeares be by this assembly ratified and confirmed.

Order of quarter court of 27th March 1661 confirmed.

WHEREAS a proposition relating to the prevention of servants and other idlers running away in troops by a pursuit made at the charge of the county, hath reference chiefly to the county of Gloucester *It is ordered* that the said county court have power for that county to make such lawes as shall be from time to time found necessary and convenient for prevention pursuit or recovering of any such runawayes.

County of Gloucester, authorised to make laws concerning runaway servants.

Payment to
Indians for
their lands in
matchcoats.

UPON examination of the difference betweene Coll. Fautleroy and the Indians it appearing that Coll. Fautleroy had a conveyance of the said land from the Indians and had given them some recompence though not full satisfaction for the same, and it being manifest that the Indians are no way capable of making him satisfaction for his building and clearing It is ordered by this grand assembly that the said land shall remain and bee confirmed to the Coll. Fautleroy and his heires forever, he paying unto Mr. Mathew Kempe for the use of those Indians thirty Matchcoats of two yards a peice whereof one to the king handsomely trimmed with copper lace.

The king's
pardon held
not to extend
to a penalty
for planting
tobacco con-
trary to law.

WHEREAS Mr. John Harlowe hath had two judgements (whereof one by a verdict of a jury) past against him for planting tobaccoe after the day appointed by act, and the said Harlowe pleading his sacred majesties pardon, the house conceiving his majesties pardon not to extend to any business of that nature, have yet in consideration of the small quantity of tobaccoe soe planted thought him a fitt object for their clemency and therefore remitted that part of the fine that belongs to the publike and left him to make his composition with the informer either for present satisfaction or for good security to pay him next crop.

Judgment
against an
administratrix
for a devast-
avit.

1. against the
intestate's and
her own pro-
per estate ;

2. against the
security ;

3. against the
court if the
security be
insufficient.

WHEREAS Mrs. Phoebe Smith administratrix of the estate of Lieutenant Coll. Toby Smith hath by pretence of a bond found invalid both because the deed was not recorded but chiefly in regard the condition is for articles not here expressed deteyned the said estate from her husbands creditors, but haveing by her illegall proceedings therein as appraising the estate without swearing appraisers and haveing made such wast as a writt of devastavit may justly ly against her *It is ordered* that she pay unto John Whitty four thousand eight hundred flourty one pounds of tobaccoe, and caske and eightie six pounds sixteen shillings sixpence in money, for soe much found due to the said Whitty from her said husband Toby Smith, and in case that neither the estate of the said Liut. Coll. Smith, nor the proper estate of the said Phoebe Smith will sa-

tisfie the premises, then capt. Whitty to take his remedie against the security for her administration And in case of noe security or insufficient then to take his remedie against the commissioners who granted her that c ommission.

FOR the supply of an able and orthodox Ministry in such parishes of Virginia which are destitute of ministers, *It is ordered by this present Grand Assembly* that the vestryes of the severall parishes soe destitute doe subscribe and procure from the severall other inhabitants such subscriptions as they shall be willing to make towards the support and mainteenance of such ministers in their severall parrishes.

Vestries to procure subscriptions for the support of the ministry.

WHEREAS for the advancement of learning, promoting piety & provision of an able & successive ministry in this country, it hath been thought fitt that a colledge of students of the liberall arts and sciences be erected and maintayned In pursuance whereof the right honourable his majesties governour, council of state, and burgesses of the present grand assembly have severally subscribed severall considerable sumes of mone y and quantities of tobacco (out of their charity and devotion) to be paid to the honourable Grand Assembly or such treasurer or treasurers as they shall now or their successors hereafter at any time appoint upon demand after a place is provided and built upon for that inteut and purpose, *It is ordered* that the commissioners of the severall county courts do att the next followinge court in their severall countys subscribe such sumes of money & tobaccoe towards the furthering and promoting the said persons and necessary worke to be paid by them or their heires, as they shall think fitt, and that they alsoe take the subscriptions of such other persons at their said courts who shall be willing to contribute towards the same And that after such subscriptions taken they send orders to the vestryes of the severall parishes in their severall countys for the subscriptions of such inhabitants and others who have not already subscribed and that the same be returned to Francis Morrison Esquire.

Provision for a college.

Commissioners of county courts to receive subscriptions

Provision for
a state house.

WHEREAS the present grand assembly taking into serious consideration the great charge brought yearly upon the country and the severall inhabitants by want of a State house for the Right Honourable the Governour and councill to keep courts and future Grand Assemblies to meet in and consult of the weighty affaires of the country have thought fitt that a State house be erected & built & that the same will be less burthensom by a free and charitable subscription then by a generall leavie, In pursuance whereof the right honourable governour councill and burgesses of this present grand assembly have voluntarily subscribed severall considerable summes and quantities of money and tobacco to be paid by them or their heirs at the next crop to such person or persons as shall be appointed *It is ordered* that the commissioners of the severall county courts subscribe and take such subscriptions as shall be willingly made and that the said several courts send orders to the severall vestreys for the like subscriptions from the other inhabitants which subscriptions to be delivered by the said vestreys to the clarkes of the severall county courts, who are to returne them to the next quarter court.

Commissioners of county courts to receive subscriptions.

Encouragement for making salt.

WHEREAS the late assembly ordered that Coll. Edmund Scarbrough in case he made eight hundred bushel of salt should receive from the countrey as an encouragement tenne thousand pounds of tobaccoe, and he being now like to bring the same to perfection and to make up his quantity, It is ordered that the tobaccoe promised him shall be raised in the next leavie and in case he performe the condition to be paid him, if not to be disposed of for some other publique use.

Compensation to the speaker.

WHEREAS Mr. Henry Soane Speaker of this assembly hath faithfully performed the great trust imposed on him, and by that done singular service to the countrey, It is ordered that he be paid out of the leavie six thousand pounds of tobacco as a testimony of the countreys acceptance of his paines and their gratuity.

ORDERED, That Coll. William Claiborne by order upon oath deliver up all the records belonging to the secretaries-office unto Mr. Thomas Ludwell appointed secretarie by comysion from his sacred majestie.

Secretary appointed by the king, to whom the papers of the secretary's office to be delivered.

WHEREAS a complaint hath been exhibited to this assembly of the factious and schismaticall demeanors of Major John Bond, and the same proved by severall testimonies, *It is ordered* that as he hath shewed himselfe unfit to be continued a magistrate, soe he shall from henceforth be made incapable of any publike trust or employment.

Major John Bond displaced and rendered incapable of holding any office.

CONSIDERING the great use and benefit the cuntry may enjoy from the Chesskoiack Indians being kindly used by us, and being sensible that with the few gunns they have amongst them they cannot prejudice us being a small inconsiderable nation, *It is ordered by the present Grand Assembly* to shew other Indians how kind wee are to such who are obedient to our laws that the said Chiskoiack Indians quietly hold and enjoy the land they are now seated upon, and have the free use of the gunns they now have, any act or order of assenbly to the contrary notwithstanding.

Land of the Chesskoiack Indians confirmed, and they to have the use of gunns.

HARQUIP Mangoi of the Chickahomini Indians in behalfe of himself and the other Indians the fourth day of April 1661 did acknowledge before the grand assembly the sale of a parcell of land from the cliffes to the little creek to Mr. Phillip Mallory being formerly surveighed by Lt. Coll. Abrahall and James Cole containing seaven hundred forty three acres according to a survey of the same made for the said Mr. Mallo-ry by George Morris the twentieth of June last.

Sale of land of the Chickahominy Indians confirmed.

ORDERED, That Nicholas Perry be for the present released out of prison, and that he shall not be further prosecuted until wee have notice from the governour out of England next yeare whether a person in condition of a lunatick be suable or no.

A lunatic released from prison, and process suspended, till advice from England whether he be sensible.

AT A

GRAND ASSEMBLY

HELD AT JAMES CITY MARCH THE 23D 1661-2*
ANNO REGNI RS. CAROL. SCDI 14†

[From a MS. presented to the Editor by the court of
Northumberland county.]

The Preamble to the acts.‡

Preamble,
reciting the
changes of
government
during the ex-
istence of

§ WHEREAS the late unhappy distractions caused frequent changes || in the government of this country, & those produced soe many alterations in the lawes, that the people knew not well what to obey nor the judge¶ what to punish, by which meanes injustice

* This is dated simply 1662, in the MS. and in Purvis's collection; but it was the session of March 1661-2; and so referred to in the 7th act of October 1686. See Northumb. MS. folio 165. b. and L. V. edit. 1733. p. 92, where it is in like manner referred to. In the editions of 1733, 1752 and 1769, this session is said to be held on the 23d of March 1661.

¶ Purvis's printed collection commences with the acts of this session; and the Editor had indulged a hope, that with the com-

VARIOUS READINGS.

† From the date 1662 to the end omitted in Purv. In the editions of 1733, 1752. and 1769, the acts of this session are headed thus: 'Anno Regni Caroli II, Regis Angliac, Scotiae, Franciac and Hiberniae Decimo Tertio.' And underneath separated by a line: 'At a Grand Assembly, summoned to be held at James City the twenty third day of March, in the twelfth year of the reign of our sovereign lord Charles the second, by the grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord 1660. And from thence continued by prorogation, to the twenty third day of March 1661.'

On the first leaf of the Northumberland MS. is written evidently at the same time with the acts of this session. 'The Booke of Acts Beginning March the 23d 1662. Anno R. R's. Car scdi 14th.'

‡ These words omitted in Purv. and the editions of 1733, 1752, and 1769.

§ This preamble is in Purv. and the editions of 1733, 1752, and 1769.

|| 'Change' in Purv. and edit. 1733— but 'changes' in Northumb. MS. and edit. 1752 and 1769.

¶ 'Judges' in Purvis and edit. 1733, 1752, and 1769.

Sir William
Berkeley Go-
vernor.

was hardly to be avoyded, and the just freedome of the people by the incertainty and licentiousness of the laws hardly to be preserved, This assembly taking the same into their serious [a] consideration, and gravely weighing [b] the obligations they are under [c] to discharge to God, the king and the country, have by setting the laws, diligently endeavored to prevent the like inconveniencies, by causing the whole body of the laws to be reviewed [d] all unnecessary acts & chiefly such as might keep in memory, our inforced [e] deviation from his majesties obedience, to be repealed, and expunged, and those that are in force to be brought into one volume, and least any prejudice might arise by the igno-

the commonwealth of England, generally called the usurpation.

menement of the printed laws, his labours would, in a great measure, have ended; but he regrets to find that they are only about to begin. On comparing the printed acts in Purvis with two manuscript volumes in the possession of the Editor, and embracing the same period, he has discovered so many errors in Purvis's collection, that he cannot venture to adopt it, though it be in print. The weight of authority is certainly in favour of the manuscripts; one of which was furnished to the Editor by Thomas Jefferson, late President of U. States; and was given to him, (as he states in a letter to the Editor,) 'from the Charles City office;' the other was presented to the Editor by the court of Northumberland county, to which it appears to have been regularly furnished, when the laws were distributed in MS. and only one copy sent to a county. This fact is ascertained not only from the circumstance that the volume was received from the Clerk's office of that county, but by an inspection of the book itself, in which the county of Northumberland is charged, at the end of the acts of almost every session, 'with a copy of the laws;' the price of which is stated at 300lb. of tobacco, which was the fee then established by law (See acts of 1657-8 vol. 1. pa. 490.)

From this period to the year 1682 inclusive, where Purvis ends, the Editor will use the Charles City MS. Purvis's collection, the Northumberland MS. and sometimes the revival of 1733, which several volumes will be thus designated, "Ch. Cit. MS." "Purv." "Northumb. MS." and "edit 1733;" but the Northumberland MS. being by far the most complete and accurate and exhibiting the best history of our language, will be taken as the standard.—Various readings will occasionally be given from each; and that which is deemed most correct will be introduced into the next text.

Various Readings.

[a] 'Serious' omitted in Northb. MS. but inserted in Purvis and all the revisals.

[b] 'wayiug' in Northb. MS. but 'weighing' in Pur. and all the revisals.

[c] 'under' not in Northb. MS. or Purv. but in all the revisals,

[d] 'revived' in Purv. but 'reviewed' in Northb. MS. and all the revisals.

[e] 'forced' in Purvis and all the revisals.

The common law adopted.

rance of the times from whence those acts were in force, they have added the dates of every act, to the end that courts might rightly administer justice and give sentence according to law for any thing hapning at any time since any law was in force, and have also endeavoured in all things (as neere as the capacity and constitution of this country would admitt) to addhere to those excellent and often refined laws of England, to which we profess and acknowledge all *due obedience and reverence*, [f] And that the laws made by us are intended by us, but as breife memorialls of that which the capacity of our courts is utterly *unable* [g] to collect out of *such* [h] vast volumes, though sometimes perhaps for the difference of our and their condition varying in small things, but far from the presumption of contradicting any thing therein conteyned, And because it is impossible to honour the king as we should unlesse wee serve and feare God, as wee ought, and that they might shew their equall care of *church and state* [i] they have sett downe certaine rules to be observed in the government of the church, until God shall please to turne his majesties pious thoughts towards us, and *provide* [j] a better supply of ministers among us.

All laws continued or made by this assembly to be hereafter reputed the laws of this country.

All others repealed.

BEE it therefore enacted by the Governour Councell and Burgesses of this Grand Assembly That all the following laws continued or made by this assembly shall hereafter be reputed the laws of this country, by which all courts of judicature are to proceed in giving of sentence, and to which all persons are strictly required to yeild all due obedience, and that all other acts not in this collection mentioned be to all intents and purposes utterly abrogated and repealed unles suite for any thing done be comenced when a lawe now repealed was in force, in which case the producing

Various Readings.

- [f] 'reverence and obedience' in Purvis and all the revisals;
 [g] 'unable' in Purvis and all the revisals.
 [h] 'its' in Purvis and all the revisals.
 [i] 'of church and state' in Northb. MS. but omitted in Purv. and all the revisals.
 [j] 'supply' in Northb. MS. but 'provide' in Purvis and all the revisals.

that law shall excuse any person for doing any thing according to the tenor thereof.

ACT I.

Church to be built or Chappell of Ease.

BEE itt enacted for the advancement of Gods glory, and the more decent celebration of his devine ordinances, *that* [a] there be a church decently built in each parish of *this* [b] country, unles any parish as now settled by reason of the fewnes or poverty of the inhabitants be incapable of susteyning soe greate a charge, in which case it *is enacted* that such parishes shall be joyned to the *next* [c] greate parish, of the *same* [d] county, and that a chappell of ease be built, in such *places* [e] at the particular charge of that place.

A church to be built in every parish

Or, a chapel.

ACT II.

Vestryes Appointed.

THAT for the making and proportioning [f] the levyes and assessments for building and repaying the churches, and chappells, provision for the poore, maintenance of the minister, and such other necessary *du-ties* [g] for the more orderly manageing all parociall affaires, *Be it enacted* that twelve of the most able men of each parish be by the major part of the *said* [h] parish,

Duty of vestries.

Twelve vestry-men in each parish.

Various Readings.

[a] 'that' omitted in Purvis and edit of 1733 and 1752; but in Northb. MS and edit 1769.

[b] 'the' in Purvis and all the revisals.

[c] 'next' omitted in Purv. but in Northb. MS. and all the revisals.

[d] 'same' in Northb. MS and Purv. but omitted in all the revisals.

[e] 'places' in Northb. MS. and Purv. 'place' in all the revisals.

[f] the word 'of' before 'the' in Purv. but not in Northb. MS or any of the revisals

[g] 'uses' in Purvis and all the revisals.

[h] the word 'said' not in Northb. MS, but in Purvis and all the revisals.

Vacancies in vestry, how supplied.
 Vestry-men to take oath of allegiance and supremacy, and subscribe to conform to church of England.

chosen [i] to be vestry-men* out of which number the minister and vestry to make choice of two churchwardens yearly, as *alsoe* [j] in the case of the death of any vestry man, or his departure out of the parish, that the said minister and vestry make choice of another to supply his roome, *And be it further enacted* that none shall be admitted to be of the vestry that *doe* [l] not take the oath of allegiance and supremacy to his majesty and subscribe to be conformable to the doctrine and discipline of the church of England.

ACT III.

Glebes to bee laid out. (a)

Provision for the ministry.

Salary, at least £80 per annum, besides perquisites and glebe.

THAT for the better encouragement and accommodation of the ministry there be glebes laid out in every parish & a convenient house built *upon them* (b) for the reception and abode of the minister according to his majesties instructions and that such provision be made for his maintenance in the valuable and current comodities of the country as may be really worth *at least* (c) fiourescoure pounds per ann. besides his *perquisites* (d) and (e) glebe viz. If in tobacco at the rate of twelve shillings the hundred, in corne att tenn shillings per barrell, if in mony by bills of exchange, and (f) security to be given for the certaine payment, And in case of protest to be recovered here with fifty per cent for damages.

Various Readings.

[i] 'chose' in Purvis.

[j] 'at, so' in Purvis.

[l] 'doth' in Purvis and all the revisals.

(a) This act is also in Purv but the title only is given in edit 1733 and 1752, and it is altogether omitted in edit 1769.

(b) the words 'upon them' omitted in Purvis.

(c) the words 'at least' omitted in Purvis.

(d) a blank for the word 'perquisites' in Northb MS but inserted in Purvis.

(e) the word 'the' between 'and' and 'glebe' in Purvis

(f) the word 'and' omitted in Purvis.

* 'a vestry' in Purv. and all the revisals

ACT IV.

Ministers to bee inducted. 1642.

THAT for the preservation of *the (g)* purity and unity of doctrine, & discipline in the church, & the right administration of the sacraments noe minister be admitted to officiate in this country but such as shall produce to the governour a testimoniall that he hath received his ordination from some Bishopp in England & shall then subscribe to be conformable to the orders and constitutions of the church of England, and the laws there established, upon which the governour is hereby requested, to induct the said minister, into any parish that shall make presentation of him, and if any other person pretending himselfe a miuister shall contrary to this act presume to teach or preach publicly or privately, the governour and councill are hereby desired and impowered, to suspend and silence the person soe offending and upon his obstinate persistance to compell him to depart the country with the first conveniency as it hath bene formerly provided by the 77th act made at James Citty the second of March 1642.*

Ministers to receive ordination from some Bishop in England.

None others to officiate.

How inducted.

Others to be suspended and sent out of the colony

* See act 64 vol 1. p. 277

ACT V.

To provide Readers. (h)

THAT every parish not haveing a minister to officiate every sunday *doe (i)* make choice of a grave

See vol. 1. p. 290, and vol. 2. p. 29

Various Readings.

(g) the word 'the' omitted in Purv. and all the revisals.

(h) In Purvis and all the revisals, the title of this act is 'Ministers to provide readers 1661' But the word 'Ministers' is probably an interpolation; because, from the act itself it appears that the parishes are to provide readers. The date '1661,' is probably correct, and is consistent enough with Purvis, who dates these acts as 1662; but it seems strange that the revisals of 1733, 1752 & 1769, should date the acts of this session as of 1661, and annex the same date to one of the acts only. By a resolution of March 1660-1, (see ante page 34) a committee was appointed to revise the laws, to give dates to the several acts, and to present a draught of them, with such alterations as they deemed necessary to the next assembly. At the same session of March 1660-1, this act was, in substance, passed, (see ante p. 29) and might therefore, with propriety be dated 1661

(i) 'to' in Purv.

Readers to be chosen by the parish.

and sober person of good life and conversation to read divine service every intervening sunday at the parish church, when the minister preacheth at any other place.

ACT VI.

Liturgie to be read.

See vol. 1. p. 149, 241, 277

Canons of the church of England to be observed, and liturgy read.

THAT the canons sett downe in the liturgie of the church of Engiaud for celebrating divine service and administration of the sacraments be duly observed and kept and that the whole liturgie according to the said injunctions be by the minister or reader at church and chappell every sunday throughly read.

ACT VII.

Church Catechisme.

See vol. 1. p. 157, 182.

Catechism of church, only to be taught. Readers not to expound catechism, or scriptures.

THAT neither minister nor reader teach any other catechisme than that by the canons appointed and inserted in the booke of comon prayer and that the minister expound no other then that, that our fundamentals at least may be well laid, and that noe reader upon presumption of his owne abilities do attempt the expounding that or any other catechisme or the scriptures.

ACT VIII.

Ministers to Preach Weekly.

See vol 1. p. 151, 181, 290, 311.

Ministers to preach every Sunday and administer sacrament twice a year.

THAT the minister of every parish preach constantly every sunday (viz.) one sunday in a month at each chappell of ease in his parish (if there be any *in it* (a)) and the other *sundays* (b) at his parish church and that twice a yeare at least he administer the sacrament of the Lords supper there.

Various Readings.

(a) the words 'in it' omitted in Purvis and all the revisals.

(b) the word 'sundays' omitted in Purv. and all the revisals. In consequence of this omission, the act reads as if there were but two Sundays in a month.

ACT IX.

Sundays not to be profaned. (c)

THAT the Lords day be kept holy, and that noe journeys be made on that day except in case of emergent necessity, And that noe other thing, be used or done, that may tend to the prophanation of that day, But that all and every person and persons inhabiting in this country haveing noe lawfull excuse to *be (d)* absent shall upon every sunday and the fower holy days hereafter mentioned, diligently resort to their parish church or chappell accustomed then and there to abide orderly and soberly during the time of common prayers preaching or other service of God, upon penalty of being fined fifty pounds of tobacco by the county court upon presentment made by the churchwardens who are to collect the same with the parish levies, *Provided always* that this act *include (e)* not Quakers or other recusants who out of nonconformitie to the church totally absent themselves but that they shall be lyable to such fines and punishments as by the statute of 23d of Elizabeth are imposed on them, being for every months absence twenty pounds sterling and if they forbear a twelve month then to give good security for their good behaviour besides their payment for their monthly absences, according to the tenor of the said statute, And that all Quakers for assembling in unlawfull assemblyes and conventicles be fined and pay each of them there taken, two hundred pounds of tobacco for each time they shall be for such unlawfull meeting *taken or (f)* presented by the church wardens to the county court* and in case of the insolvency of any person amonge them, the more able then taken to pay for them, one halfe to the informer and the other halfe to the publique.

See vol. I. p. 144, 261, 434.

The Lord's day to be kept holy.

No work done on, except in cases of necessity.

Divine service and preaching to be diligently attended on Sundays and holy-days.

Penalty.

Further penalty on Quakers, and recusants: who are to be fined under stat 23d Eliz.

Quakers meetings or conventicles, how prevented and punished.

The more able to pay for insolvents.

Various Readings.

(c) this act is also in Purv. but the title only is given in edit. 1733, and 1752, and it is altogether omitted in edit. 1769.

(d) the word 'be' omitted in Purvis.

(e) 'conclude' in Purvis.

(f) the words 'taken or' omitted in Purvis.

* The whole sentence from the asterisk * to the end of the act omitted in Purvis.

ACT X.

The 30th of January to be kept ffast.

(From act 18
of March
1660-1, ante p.
24.

The 30th of
Jan. a holy-
day in com-
memoration of
the beheading
of Charles I.

WHEREAS our late surrender and submission to that execrable power that so bloody massacred the late king Charles the first of ever blessed and glorious (a) memory, hath made us by acknowledging them, guilty of their crimes, to shew our serious and hearty repentance and detestation of that barbarous act *Be it enacted* that the thirtieth of January the day the said king was beheaded, be annually solemnized with fasting and prayers, that our sorrows may expiate our crimes and our teares wash away our guilt.

ACT XI.

The nine and twentieth day of May to be kept holy.

(From act 19,
of March
1660-1, ante
p. 25.)

The 29th of
May, a holy-
day, to com-
memorate the
restoration of
Ch. II.

SINCE God of his mercy hath bin pleased to restore our late distracted kingdomes to peace and unity and his late distressed majestie to the throne of his royall ancestors *Be it enacted* that in testimony of our thankfulnes and joy, the twenty ninth of May the day of his majesties birth and happy restitution be annually celebrated as an holy day.

ACT XII.

None to be marryed but by Ministers, nor by them but by lycense, or publishing the bannes. (b)

See vol. 1. p.
156, 157, 241,
332, 433.

THAT noe marriage be solemnized nor reputed valid in law but such as is made by the ministers (c)

Various Readings.

(a) The words 'and glorious' omitted in Purvis and all the revisions; but they are inserted in the Northb. MS. and the act of the last session from which this was taken. See ante pa. 24.

(b) This act is also in Purv. but the title only is given in edit. 1733 and 1752, and it is altogether omitted in edit. 1769.

(c) 'Minister' in Purvis.

according to the laws of England, and that noe ministers (*c*) marry any persons (*d*) without lycence from the governour or his deputy, or thrice publication of banes according to the prescription of the rubrick in *the* (*e*) comon prayer booke, which injoynes that if the persons to be marryed dwell in severall parishes the banes must be asked in both parishes, and that the curate of one parish shall not solemnize the matrimony untill he have a certificate from the curate of the other parish, that the banes have been there thrice published, and noe objection made against *the joyning the parties together*, (*f*) And if any minister shall contrary to this act marry any persons, he shall be fined tenn thousand pounds of tobacco, and any pretended marriage *hereafter* (*g*) made by any other then a minister be reputed null, and the children borne out of such marriage of the parents, be esteemed illegitimate and the parents suffer such punishment as by the laws (*h*) prohibiting fornication ought to be inflicted.

No marriages valid, but those celebrated by ministers according to the laws of Eng.

None to be married without license, or publication of banes

Penalty.

Issue of persons hereafter married otherwise, illegitimate.

ACT XIII.

Churchwardens to make Presentments. §

THAT the churchwardens shall twice every yeare (*viz.*) in December court and Aprill court deliver a true presentment in writing of such misdemeanors as to (*i*) their knowledge, or by comon fame have beene comitted whilst they have beene churchwardens, namely swearing, profaneing Gods holy name, or sabbath abusing or contemning his holy word or (*j*) sacraments

See vol. 1. p. 126, 156, 182 227, 240, 309 10.

Church wardens to present twice a year.

Various Readings.

(*c*) 'Minister' in Purv.

(*d*) 'person' in Purvis.

(*e*) 'the' omitted in Northlib. MS.

(*f*) 'the parties joining together' in Purvis.

(*g*) the word 'hereafter' omitted in Purvis.

(*h*) 'law' in Purvis.

§ This act is also in Purv. but the title only is given in edit of 1733, and 1752, and wholly omitted in edit 1769

(*i*) 'by' in Purv.

(*j*) 'and' in Purvis.

What offences or absenting themselves from the exercises thereof, As alsoe of those foule and abominable sins of drunkenesse fornication and adultery, and of all malicious and envious slaudering and backbiting for the better manifestation whereof the said churchwardens are impow-
 May summon witnesses. ered to cause all such persons upon whose reports they ground their presentments to appeare at the next (k) county courts to which the presentments are made to give their evidences concerning the same.

ACT XIV.

Churchwardens to keepe the Church in repaire and provide Ornaments. 1661 (a)

(Altered from act 33, of March 1660-1, ante p. 30.)
 Church-wardens, their power and duty in repairing the churches, and providing ornaments.
 † To collect the Minister's dues.

‡ The assembly considered all the laws relating to the church as one act.

AND it is further enacted That the said churchwardens take care and be impow-
 ered during their churchwardenship to keepe the church in repaire provide books and decent ornaments (viz.) a greate bible two comon prayer books, a communion cloath and napkin, a pulpitt and cushion, this present yeare, and after annually something towards comunion plate, pulpitt cloath and bell as the ability of the parish will permit, and that they the said churchwardens doe faithfully collect the ministers dues, cause them to be brought to convenient places and honestly pay them, and that of all the disbursements and receipts they give a true account to the vestry when by them required who are impow-
 ered by a former branch of this act to levie the same upon the parish, and by this to give the said churchwardens a sufficient discharge.

Various Readings.

(k) 'respective' in Purv.

(a) This act is published according to the order in which it is placed in the Northb. MS.—In Purv. & the revisals of 1733 & 1752, (in which all the errors of Purvis seem to have been carefully copied) it is arranged as act XV, and follows the act concerning the 'burial of servants' &c. But the commencement of the act itself shews that the arrangement in the Northb. MS. is the only proper one. This act is in all the revisals.

ACT XV.

Buriall of Servants or others privately prohibited. (b)

WHEREAS the private buriall of servants & others give occasion of much scandall against diverse persons and sometimes not undeservedly of being guilty of their deaths, from which if the persons suspected be innocent there can be noe vindication (c) if guilty noe punishment, by reason they are for the most part buried without the knowledge or view of any others then such of the family, as by neerensse of relation (as being husband wife or children (d) are unwilling) or as servants are fearfull to make discovery if murder were (e) committed: for remedy whereof as alsoe for taking away that barbarous custome of exposing the corps of the dead (by making their graves in comon and unfenced places) to the prey of hoggs and other vermine, *Be it enacted* that there be in every parish three or fower or more places appoynted (according to the greatnes or littlenes of the same) to be sett apart and fenced in, for places of publique buriall. for that precinct, And further that before the corps be buried there be at least three or fower of the neighbors called who may in case of suspicion view the corps, and if none. yet according to the decent custome of all Christendome they may accompany itt to the ground, (f) *And be it further enacted* that noe persons (g) whether free or servants shall be buried in any other place then those soe appointed, unles such who by their owne appointment in their life time have signified their desires of being interred in any particular piace elsewhere.

Preamble, reciting the ill effects of private burials.

Burying places to be appointed in every parish.

See vol. 1. p. 123, 161, 227, 241.

Neighbors to be called in, who are to view the corpse, in case of suspicion.

None to be buried in any other place, except by their own appointment.

Various Readings.

(b) this act is also in Purv and edit. 1733: in edit. 1752, the title only is given; and in edit 1769, it is wholly omitted

(c) the word 'nor' between 'vindication' and 'if' in Purvis and edit. 1733, but it is at least superfluous.

(d) 'child' in Purvis and edit. 1733.

(e) 'where' in Northb. MS

(f) 'grave' in Purv. and edit 1733.

(g) 'servants' in Northb. MS.

ACT XVI.

Registers to be kept by the Ministers or Readers. [a]

See vol. 1. p.
155, 158, 180,
182, 433, 542.

Register of
births, deaths,
and marria-
ges to be kept
by ministers
or readers.

Penalty for
omitting to
inform mini-
ster or reader.

Their fees
for entering.

Penalty for
neglect.

WHEREAS many differences doe frequently arise about the age of orphants, and inquirees are often made for persons imported into this country and here deccased, and no positive certificate can be granted of the age of the one, or the death of the other, by reason noe registers have bin kept, which might by the record there entred evidence the same, *Be it therefore enacted* that the minister or reader of every parish shall well truely and plainly record all births burialls and [b] marriages which shall happen within the precincts of the parish in a [c] booke to be provided by the vestry for that purpose, And if any master of a family or other person whome it may concerne shall omitt of giving notice to the same minister or reader of the day of the birth death or marriage of any to him or them related the space of a month such person shall for such his neglect be fined one hundred pounds of tobacco, and that the minister or reader [d] have for their entry of such birth death or marriage fifty [e] pounds of tobacco and if they neglect entring the same as aforesaid that they be fined upon discovery made of the same neglect five hundred pounds of tobacco to the use of the parish.

ACT XVII.

Lycences for Marriage how to issuet.

See ante pa.
28, and vol.
1. p. 156, 181,
241, 433.

AND whereas many times lycenses are granted and the persons are marryed out of the parishes, which lycences have been usually granted by the governor,

Various Readings.

[a] This act is also in Purv. but the title only is given in edit 1733 and 1752, and wholly omitted in edit 1769.

[b] 'or' in Purvis.

[c] The words 'in a' omitted in Northb. MS. but inserted in Purvis.

[d] the words 'or reader' omitted in Purvis

[e] 'three' in Purv.

whose knowledge of persons cannot possibly extend over the whole country, *Bee it enacted* that henceforward all persons desiring lycences for marriage shall first repaire to the clerke of the county court and there give bond with sufficient [f] security that there is noe lawfull cause to obstruct their said marriage and that upon receipt of such bond the said clerke shall write the lycence and certifie to the first in commission for that coutry, or such other when it shall please the governor to depute that he hath taken bond as aforesaid who by vertue thereof shall signe the said lycence and direct the same to the minister And to the end that the legall grant of the said lycence may be made evident and the governor assertheyned of his just dues, It is further enacted that the said clerke shall yearely in September court returne the names of the partyes married and of the securityes to the secretaries office there to be recorded, And further that he deliver an account of the fees due for the said lycences to the sherriffs or collectors of the county, who is hereby required to collect the same with the levies and to make payment thereof to the governor and others to whom they are due and any clerke makeing default in any of the premises to forfeite one thousand pounds of tobacco to the use of the governor. The fees for the lycences to be as followeth (*viz.*) to the governor two hundred pounds of tobacco, or twenty shillings sterling, to the clerke for writing the bond lycence certificate and returning the same to the office fifty pounds of tobacco, and to the secretary for recording the same in the office as aforesaid forty pounds of tobacco and the minister marrying with a lycence two hundred pounds of tobacco or twenty shillings, if by banes fifty pounds of tobacco or five shillings.

Marriage licenses how to issue.

Fees to the gov. for, how collected.

Governor's, Clerk's, Secretary's and minister's fees

Various Readings.

[f] 'good' in Purvis.

LAWS OF VIRGINIA,

ACT XVIII.

Provision for a Colledge.†

See ante pa.
25, 37.

Lands to be
taken up or
purchased for
a college and
free school.

WHEREAS the want of able and faithful ministers in this country deprives us of those great blessings and mercies that always attend upon the service of God; which want, by reason of our great distance from our native country, cannot in probability be always supplied from thence: Bee it enacted, that for the advance of learning, education of youth, supply of the ministry, and promotion of piety, there be land taken up or purchased for a colledge and free school: And that there be with as much speed as may be convenient houseing erected thereon, for entertainment of students and scholars.

Lands of persons dying intestate are and liable to escheat, how disposed of, or compounded for.

* [Whereas an ancient practice of this country, hath contrary to law and reason ignorantly vested the lands of persons intestate in the hands of administrators; of whom divers persons have purchased and hold their lands by no other titles than such sales, which can be of no validity against the claim of the King, whom no time can prescribe, and to whom if an heir appear not, the land must of necessity devolve: And if the King should at any time give express order to an escheator to make enquiry into the titles we hold, by the said escheator, cannot by vertue of his office but find all such lands for the King; which we Francis Morrison and Thomas Ludwell, who are at present intrusted by his majesties treasurer, to make composition of. all lands so escheated to his majesty; taking into our serious consideration, and our of out tender care of many poor men, who by the loss of lands, thus perhaps dearly purchased and honestly paid for, and out of our sense of the many inconveniences and great damages would fall upon them by being ousted out of their possessions, by

† This act is taken from Purvis; the Northb. MS. containing only the first section, which indeed seems to be all that is applicable to the title.

* From the asterisk to the end, is not in the Northb. MS. but is taken from Purvis. It may well be doubted, however, whether it ought not wholly to be omitted, as it has no connexion with the subject matter of the first section, or the title of the act.

the severity of a too rigorous escheator; and that on the other side, we might not seem to debar his majesty of his just rights, we have thought it convenient to propose a certain rule for compositions of all lands held by any pretended right two years, by which, while the power is in our hands, we shall proceed; and if the assembly think it a favour we shall joyn with them, making it our request to Major Norwood his majesties treasurer, to get his majesty to confine them, that no succeeding escheator may at his pleasure rigorously exceed these our moderate and reasonable demands.

1. We concede that any person, having been two years in possession of any land, that ought to have been vested in his majesty by escheat, shall pay for his composition but one hundred pounds of tobacco, for every fifty acres, besides the fees for finding the office and drawing the conveyance.

2. That every person, having been so in possession two years, as aforesaid, shall have eight months time to petition for, and make their composition: But if they defer it longer, and another sue for it and obtain it, they can impute the blame to nothing but their own neglect.

3. That where there is a widow, she shall enjoy the land of her husband during her life, and be admitted in the first place to make her composition for the fee-simple, in case she signifie her desire within the time aforesaid.

4. That all lands escheated before the two years aforesaid, the person concerned shall pay for his composition as aforesaid: But all lands which shall hereafter lapse, or which have lapsed within the two years last past, the composition to be made for with those by his majesties treasurer appointed and authorized thereunto: And that the widdow be admitted, in the first place, she making her claim within eight months according to the proposition abovesaid.]

LAWS OF VIRGINIA,

ACT XIX.

Courts.

See vol 1 p.
174, 187, 270,
345, 461, 477,
524.

Courts here-
tofore called
Quarter courts
to be hence-
forward called
General
courts.

Recital of
defects in the
existing laws
as to rules of
proceeding.

WHEREAS the name *quarter courts* is altogether unsutable to the nature of those courts held by governor and council both in respect there are but three of those courts in the yeare, as alsoe because they are not equally distributed into the quarters of the yeare, *September* and *November* being too neer and *March* too long from them to admitt of that title *Be it therefore enacted* that the said courts bee noe longer stiled the *quarter courts*, but that they be henceforth called *Generall courts* a name more sutable to the nature of them, as being places where all persons and causes have generally audience and receive determination.

Whereas the acts of assembly already made are very defective in prescribing the rules to be observed in the proceedings both in those generall and the particular county courts for want whereof many errors are committed the respects due to the courts soe neerly representing his royall [a] majesties sacred person, by the clamorous unmannerlynes of the people lost, and order, gravity and decoram which should manifest the authority of a court in the court it selfe neglected, And in regard the long omission of those (hugely materiall though in themselves little) things of forme, hath caused all things still to continue in their first disorders It hath appeared necessary to this present grand assembly to sett downe the rules and forme themselves for the beginning continuance and proceedings in the said courts as followeth, *And it is therefore enacted* that the *Generall courts* beginne and continue as followeth.

Generall Courts to beginne and continue.

March term.

That *March* court beginne the 20th of *March*, if it be not Saturday or Sunday and then to beginne the Munday following, and then to hold eighteene dayes, not accompting Sunday in the number.

Various Readings.

[a] the words 'royall' omitted in Purvis.

That *September* court beginne the 20th of September if it be not Saturday or Sunday and then to beginne the Munday following and hold twelve days, not accompting Sundays in the number. Sept. term

That *November* court beginne the 20th of November if itt be not Saturday or Sunday, and then to beginne the Munday after, and hold twelve dayes not accompting Sundayes in the number. November term.

That adjournments of the said courts be alwayes avoyded and that they beginne precisely upon the day, that all persons knowing the day of the retorne of the writts may accordingly give their attendance. Adjournments to be avoided.

Stile how entred.

That the stile of the courts be entred thus.

ATT a Generall court held att James City this by his Majesties Governour and Councill in the _____ yeare of the raigne of our Sovereaigne Lord Charles the second by the Grace of God of Great Britain, ffrance, & Ireland, King, Defender of the ffaith &c. & in the yeare of our Lord God &c. Present—incert the names of Governour and Councill. Style of the courts.

Silence is commanded.

THEN lett the cryer or under sherriffe make proclamation and say “ O Yes O Yes O Yes silence “ is comanded in the court while his Majesties Governour and councill are sitting, upon paine of imprisonment.” Form of opening the court.
Silence.

Suiters to appeare.

AFTER silence comanded lett the cryer make proclamation saying: “ All manner of persons that have any thing to doe at this court draw neer and give your attendance and if any one have any plaint to enter or suite to prosecute lett them come forth and they shall be heard.” Proclamation for suitors to appear.

When silence is thus comanded & proclamation upon calling the dockett the cryer shall call for the plaintiffe.

Calling the Plaintiffe.

Calling the Plaintiffe.

“ A B come forth and prosecute the action against C D or else thou wilt be nonsuit? And the plaintiffe putting in his declaration the cryer shall call for the defendant.

Calling the Defendant.

Calling the Defendant.

“ C D come forth and save the and thy bayles or else thou wilt forfeit thy recognizance.”

Warrants to be issued by clerks.

The proceedings in the said courts : warrants to be issued by the clerks.

~~CHAPTER~~

ACT XX.

Actions to be proportioned.

Actions to be proportioned to the number of 20 for each day.

BEE it enacted that warrants be issued out by the clerk of the generall courts and the said clerke soe proportion the number of his actions that there be for each day twenty, and that untill there be twenty actions entred for the first day, no warrant issue for the second, and then twenty for the second before any issue for the third, and soe proportionably twenty per day for soe many as there are actions to fill with that number, it being unreasonable that the governor and counsell should waite a week for a stragling busines entred at a particular mans pleasure, and in case any speciall warrant issue that for the extraordinarinesse of the busines may require the governors owne signing It is enacted that the person first goe to the clerke, and there enter his action and the day of the returne, before his warrant shall be signed.

Special warrants, how to issue.

* *Warrants may be served to the Generall courts at any time if there be ten days between the arrest and retorne.**

AND whereas some scruples have arisen about the time warrants may be served (viz.) whether *ten days before the first day of the court*, or [a] *ten days before the retorne*, that is the day mentioned on the writ to appeare It is hereby declared that warrants may be served at any time, if there be ten days between the serving the warrant [b] and the retorne thereof, [c] And further that it may be done in court time for the same court if there be ten days between serving the warrant and the retorne as aforesaid. [d]

Writs may be served at any time within ten days before the return, even after the first day of the court.

ACT XXI.

Courts to sitt from eight to eleaven of the clock in the forenoone, from one to three in the afternoone.

BEE it alsoe further enacted that the court shall each day sitt from eight of the clock to eleaven in the forenoone, and from one to three in the afternoone; and for avoyding all errors that may happen in the draught of the orders by the clerke either through his misapprehending the sence of the court or the partiall information of any person concerned which he being distracted by multiplicity of busines may unwillingly assent to, That all orders of the days be by the clerke drawne up against next morning, and then read in open court (in presence of the plaintiffe or defendant if they will be present) when rule will be given by the court for amendment of errors if any be, before they be cutted upon record, and the plaintiffe or defendant if they

How long the court to sit in each day.

Orders to be drawn up, by the next morning.

Amendments, when

Various Readings.

* The words between the asterisks, omitted in Purvis.

[a] the words 'ten days before the first day of the court, or omitted in Purv.

[b] the words 'the warrant' omitted in Purv.

[c] 'as aforesaid' instead of 'thereof' in Purv.

[d] the words 'the warrant and the retorne as aforesaid' omitted in Purv.

Orders to be signed by the secretary and recorded by the clerk.

have any new matter of plea, shall then have liberty to plead it in arrest of judgement. And the orders thus publickly read and confirmed shall be signed by the secretary which shall remaine upon file in the office for the full justification of the clerke who is to enter them in the booke of records.

ACT XXII.

The Plaintiffe to file his declaration three days before the day of hearing.

Declaration to be filed three days at least before the day of hearing.

When plea or answer to be filed.

Non suit. Amercement.

Judgment against bail or sheriff.

How relieved.

AND whereas the clerke is enjoyned to enter twenty actions for each day and the courts to sitt at certain howers, soe alsoe it is hereby enacted that the plaintiffe file his declaration in the office at least three days before the day of hearing, in which tyme the defendant may take a copy thereof the original still remaining in the office, and provide his answer in writing ready to present to the governor and councill at the day of hearing, And further that if the plaintiffe faile either in not appearing to prosecute or in neglecting to file his declaration as is hereby enjoyned, he shall pay to the defendant if he live within fifty miles of James Citty one hundred and fifty pounds of Tobacco for a nonsuite, and if he dwell further off then three hundred and fifty pounds of tobacco, besides his amercement to the publique, and if the defendant make default then [a] judgement to passe against the bayle for the thing sued for or if noe bayle be returned then against the sherriffe besides his amercement of one thousand pounds of tobacco laid upon him by act for not making retornes, *Provided* that the bayle and sherriffe have respite of execution untill the next [b] court when if they bring the person of the partie, the judgment of the first court granted be reversed, but the amerciament

Various Readings.

[a] 'the' in Purvis.

[b] the word 'next' omitted in Northb. MS

awarded against the sherriffe to continue, and not to be remitted.

ACT XXIII.

Adjournments to the two last days for determination of references by avisare volumus or actions entered in court time.

AND whereas this act enjoynes the proportioning soe many actions to a day, but gives liberty to arrest in court time, to the last day of the court, and whereas some cases of difficulty may be presented, upon which the court may desire to advise *Bee it therefore enacted* that as soon as the court hath satt soe many dayes as are filled with actions, It shall be adjourned to the two last days of that court and whatever the court hath referred by their *avisare volumus* And all actions entered in court time as aforesaid shall be then tryed and determined.

Adjournment to the two last days of the term, for deciding references by *avisare volumus*.

ACT XXIV.

Criminall causes to be tryed at the General Court.

WHEREAS men of the greatest abilities both for [c] judgment and integrity doe usually meet at the generall courts whether their occasions doe frequently call them, and because that any thing that concerneth the life or limb requires the ablest juryes to inquire of itt *Bee it enacted* that all criminall causes that concerne either life or member, shall be tryed at the generall courts only the fourth day of the said court, And because that the lawes of England doe enjoyne juries to be chosen out of the neighbourhood where the fact was comitted, according to which the remotenesse of our habitations doth not admitt us soe fully to practice as wee desire, yett that wee may come as neere to them

See vol. 1 p. 397, 398.

Criminal causes to be tried only at the general court, and on the 4th day.

Various Readings.

[c] 'of' in Purvis.

Juries, how
summoned.

Six from the
neighbour-
hood.

Their allow-
ance.

Jury complet-
ed from by
standers.

as we possibly may, And because it is very requisite that parte of the jury at least should come from thence who by reason of their neere acquaintance with the busines may give information of diverse circumstances to the rest of the jury *Bee itt therefore enacted* that immediatly after the comitment of any person found criminall to the grand inquest the sherriffe of the county to whose custody he is comitted shall give notice thereof to the secretaryes office at James Citty and the clerke of that office shall presently send a *venire facias* to the said sherriffe to impannell six men of the ablest and neerest of the inhabitants of his county to that place where the fact was comitted to be of the jury for tryall of that cause, retornable the fourth day of the next generall court, where the said jury mēn are bound to appeare, and for their charges the country shall allowe each man twenty pounds of tobacco per day, for each day they may reasonably come to, and goe from James Citty, and fifty pounds of tobacco per day during their attendance there about itt (*viz*) from the day they are by the warrant [a] to appeare untill they be discharged, and that the rest of the jury be made up of the by standers.

ACT XXV.

*The Governor or two of the Councill to goe the cir-
cuite.* §

Governor and
one council-
lor, or two
councillors
commissioned
by the gover-
nor, to visit
the county
courts yearly.

WHEREAS the honorable governor out of the singular care of his due administration of justice in all courts and that he may be the better inabled to render to his majestie an exact account of the government hath been pleased to take upon him and the councill the paines of visiteing all the county courts of the country, *Bee it therefore enacted* that the honorable governor and one of the councill, or upon the urgent affaires of the country hindring the governor, That the

Various Readings.

[a] 'writ' in Purvis.

§ This act is also in Purv. but the title only in edit 1733 and 1752 and altogether omitted in edit 1769.

governor comissionate two of the councell for every river yearely in August to sitt judge in all the county courts, and there here and determine all causes then depending in them by action or reference from any other preceeding court in that county Provided noe councillor be appointed to goe the circuite in the river wherein he doth inhabitt.

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ACT XXVI.

Appeales how to be made.†

WHEREAS many appeales are made from county courts to generall courts and from generall courts to assemblies, whereby the speedy execution of justice is often retarded, and many persons disabled by the charge of goeing to James City to prosecute, are forced many times to desist from the clayme of their just rights, *Bee it therefore enacted*, that for the avoyding delays, and for the ease of the inhabitants all appeales made in any court after the generall court in March be referred to the hearing of the governor or itenary counsellors [b] in their circuite from whose sentence there, if any person will appeale, if the governor be present, the appeale [c] shall be made to the next assembly, if two of the councell then to the next generall court, from which the said counsellors during the tryall of such cause or causes in which they had, att the county courts, given their opinions shall be suspended; But because in the winter time the generall courts are more frequent and all causes may [d] receive speedier determination and because tobacco being only then payable, may be paid in kind, *It is enacted* that all appeales made from October, December and other intervening county courts be made to the next succeeding generall court and from thence to the assembly, And because there may be as greate error in judgment or

See vol. 1.
index tit.
"Appeals."

Appeals from county courts, when to be tried by gov. and itineant counsellors; when by the general court, and when by the assembly.

Various Readings.

† This act is in Purv. but the title only in edit 1733 and 1752 and wholly omitted in edit. 1769.

[b] 'council' in Purvis.

[c] the words 'the appeale' omitted in Purv.

[d] 'there' in Purv.

Appeals allowed for all sums

Vol. 1 Pa. 341.

Exception as to Northern County

County Courts have Jurisdiction of all causes.

Vol. 1 Pa. 303)

will in matters of small value as in the greatest. *It is further enacted* that appeals shall lye open as aforesaid for any thing of what value soever. *Provided* that the appealement put in good security for prosecuting the appeale and payment of fifty per cent damages to the defendant, if the appealement be cast in the suite for his unjust molestation. *Provided also* that noe appeales be made from Northampton county (whose remotenesse and dangerousness of passage is such as is not for inconsiderable causes to be attempted) under the value lymitted by former acts of assembly, being three thousand pounds of tobacco, or thirty pounds sterling, any thing in this act to the contrary notwithstanding. *And be it further enacted* that all causes of what value or nature whatsoever not touching life or member may be tryed at the county courts. And that noe arrest be made to the generall court in any action under the value of sixteene hundred pounds of tobacco or sixteene pounds sterling upon penalty of five hundred pounds of tobacco to be paid by the Plaintiffe to the Defendant for his charges.

ACT XXVII.

Vol. 1780 & 1782

see Purv. 23.

Amendments in General and County Courts

How appeals shall be

Amendments in Generall courts fifty pounds of Tobacco per cause, in county courts thirty per cause.

WHEREAS many needlesse (a) suites are raised upon frivolous occasions by litigious persons, for prevention thereof for the future *Be it enacted and commanded* that all persons whatsoever that are cast in any cause be they plaintiff or defendant shall be amerced, besides the damages & costs to the recoverers, in the generall courts fifty pounds of tobacco to the use of the publique, and in the county courts thirty pounds of tobacco for the maintenance of the comissioners; for the due collecting whereof *Be it enacted* that the

Various Readings.

(a) Where the title only is given in any edition, that edition is referred to opposite the title; where the act itself is published, a like reference is made opposite the beginning of the act.

(b) The word 'needlesse' omitted in Purv.

clerke of the generall courts and the severall county courts keepe an exact account of the amerciamento, and deliver or send the same to the severall sherriffs of the particular countyes, who are hereby required to collect the same with the levyes, and accordingly impowered for default of payment to make distresse, and commanded not to retorne any arreares, executors and administrators who cannot pay without orders being always excepted.

How collect-
ed.

ACT XXVIII.

Subpœnas to be issued by the Clerke.

BEE it alsoe enactèd, That the clerke of the generall court shall issue subpœnas from the secretaryes office for all evidences required in the trial of any cause there depending, if the witnesses required doe not dwell beyond the bay or the north side of *Yorke* (a) river, And if they doe then a *Dedimus potestatem* shall issue for taking the depositions in the county or counties where the witnesses doe dwell, *Provided* always that in crimiunall cases all witnesses be bound over to give in their evidences *viva voce* at the tryall in the general court.

Edit. 1733 and
1752

See Purv. 23. Subpœnas to be issued for witnesses to attend the general court: unless they reside beyond the bay or on the north side of York river; then a commission to take their depositions. *Viva voce* evidence in criminal cases.

ACT XXIX.

Dedimus Potestatem, how to issue.

WHEREAS many causes betweene party and party are lost for want of evidence who living soe remote cannot but be a charge and expence farr exceeding the value of the cause *if they* (b) be brought to give it *viva voce* at the generall court or at the county courts if the party dwell out of the county; or else a greater mischiefè is introduced by the partiall and illegall examination of witnesses in presence of but one party before some one commissioner perhaps too favorably inclined to the party in whose behalf the depositions are taken; besides the trouble expence and hindrances of the witnesses themselves, who many

Edit. 1733 and
1752.

See Purv. 24. & vol. 1, p 304 Preamble.

Various Readings.

(a) *James*, in Purv. but evidently a mistake.

(b) The words 'if they' omitted in Purvis.

Commissions to take the depositions of witnesses how to issue, be executed and returned.

Commissioners may fine the witnesses for non-attendance.

Notice.

Examinations to be returned sealed up.

times are forced 100 miles from the place of their residence, for a small allowance to give evidence in tryalls of petty and inconsiderable value; for remedy whereof, and that all parties may with more convenience, lesse trouble and costs, have their evidences impartially and legally taken, *Be it enacted and confirmed* that if the cause be (a) to be tryed in the generall court the governor, if in a county court any one of the councell or the judge of that court shall grant and signe a *dedimus potestatem* for examination of witnesses in the countyes where they dwell, directed to three such persons as the plaintiffe and defendant, if they both desire the writt shall by consent make choice of and nominate. But if it be the single request of either plaintiffe or defendant then the governor, councell or judge of the county court out of court time shall nominate and appoint three or more such indifferent persons to examine all such witnesses as by the partie desiring the writt they shall be moved to summon before them, and to this end the commissioners thus made choice off or appointed to execute the writt, or (b) any two of them shall by the said writt be empowered and required to appoint a time and place when and where they will receive the evidences, and to issue out *subpœnas* for their appearances accordingly; and if upon such summons any of the witnesses refuse or neglect to come and give in their evidences, then the commissioners, or any two of them, be further impowered by this act to lay such a fine upon them as the act of assembly gives in such cases for non-appearance of witnesses at the generall or county courts; *Provided always* that the parties procuring the writt shall give the party concerned against him notice of the time and place when and where the commissioners intend to sitt, att least *twelve* (c) dayes before the day appointed by the said commissioners for putting itt in execution. *And be it further enacted*, that the said commissioners, or any two of them which take the said examinations shall immediately subscribe the same, seale them and the writt

Various Readings.

(a) The word 'be' omitted in Purvis.

(b) The word 'or' omitted in Northumberland MS. but inserted in Purvis.

(c) 'Ten' in Purvis.

upp, and return them with the writt soe sealed up to the clerke of the generall court; if the writt issue from the governor, or else to the clerk of the county court whence the warrant issued, by either of the said clerkes, to be read at the tyme of the tryall of the cause in either of the said courts.

ACT XXX.

Penalties upon non-appearance of Evidences.

BEE it also enacted, That the penalties to be inserted in subpœnas to the generall courts for non-appearance of evidences summoned, be one thousand pounds of tobacco, and for like defaults at the county courts three hundred and fifty pounds of tobacco, and that all witnesses summoned to give in their evidences at either of the said courts shall be allowed for their necessary time spent in coming and going to and from the said courts twenty pounds of tobacco per day and for the time they attend there, untill they have given in their evidence forty pounds of tobacco per day, and because many maliciously to aggravate the charge of the suit, summon many more witnesses than are needfull, *Be it therefore enacted*, that there shall not be allowed in any bill of costs the charge of above three witnesses to any one action, unles for prooffe of several matters incident thereto which severally may require the attestation of two witnesses.

Edit. 1733 and 1752.


See Purv. 25. Penalty to be inserted in subpœna.

Allowance to witnesses

Numb of witnesses to be taxed in the bill of costs.

ACT XXXI.


County Courts appointed.

BEE it also enacted that for the more due administration of justice in the several counties, and the greater ease of the people in obtaining the same the courts be continued in each county as of long time hath been accustomed, and that the said courts doe consist of eight* of the most able, honest and judicious persons of the county, which eight or any  foure of them, whereof one to be always of the *quorum* are to bee impowred by commission from the go-

Edit. 1733 and 1752.

(See vol. 1 index tit 'Monthly courts,' & 'County c'ts,' as to the origin of county courts)

* See an p 21 County courts how constituted.

 The Charles City MS. commences at this place, the preceding part of the volume having been torn ont.

Power of justices, same as in England,

Oaths of allegiance and supremacy, & of a justice to be taken.

To be called justices of the peace.

Court days of the several counties.

vernor for the time being to act according to the laws of England, and of this country and to empower them severally and out of court to act, and doe all such things as by the laws of England are to be done by justices of the peace there, *And be it enacted* that those persons soe comissionated take the oaths of allegiance and supremacy, and the oath of a justice of peace, that they be called justices of the peace* that the courts be stiled county courts, and further, that the said justices doe keep the said courts precisely upon the dayes appointed, by this, and former acts of assembly (vizt.)

Henrico, the 1st. day
 Charles Citty, the 3d. day
 James Citty, the 6th. day
 Isle of Wight, the 9th. day
 Nanseum, the 12th. day
 Lower Norfolk, the 15th day
 Elizabeth Citty, the 18th. day
 Warwick County, the 21st. day
 Yorke County the 24th day
 Northampton, the 28th. day
 New-Kent, the 28th day
 Gloucester, the 16th day
 Lancaster†
 Rappahannock
 Surry
 Northumberland
 Westmerland

Adjournm'ts to be avoided. (See vol. 1, p. 436.)

Penalty on justices for being absent. (See vol. 1, p. 350.)

And all adjournments, by all meanes possibly be avoyded and that all the justices of the said courts respectively shall duly attend the same, and shall not depart or absent themselves from thence without the licence and consent of the rest of the justices there present, and if any of them shall happen to have a lawful cause of absence, it is thought fitt that in such cases they shall upon the first day of the court signify the same to the court by writing and that they make good proof of

* This is the first time Justices of the Peace were expressly so called by act of assembly. They were originally called "Commissioners of Monthly Courts," afterwards "Commissioners of County Courts," but exercised the jurisdiction of justices of the peace. See vol. 1, Index tit. "Commissioners" "Justices of the peace."

† In Purvis and both the MSS. the time of holding courts for the rest of the counties, is left blank.

the truth thereof at the next ensuing court or else being delinquent in the premisses every justice soe offending shall forfeit for every time of his absence three hundred pounds tobacco, to be imposed by the court and disposed off to the good of the county.

ACT XXXII.

No arrest without entring of action.

Edit. 1733 and 1752.

BEE it alsoe enacted that all actions to the county courts and suppences for witnesses or in chancery be first entered with the clerke of the county or his knowne deputy before any arrest made, or summoned or served under penalty of five hundred pounds of tobacco to be levyed upon the sheriffe that shall presume to serve any process contrary to the tenor hereof. *And be it enacted* that the plt. in any action shall at least the day before the court enter his bill of complaynt and leave it in the clerks hand that the defendant if he will may have a copy thereof, and accordingly provide his answer. But the original declaration or bill to be always filed in the office.

See Pur. p. 27

Actions and subpœnas to be entered with the clerk, before arrest, summons or service.

Declarat'n or bill, when to be filed.

ACT XXXIII.

The Defendant to put in his answer.

Edit. 1733 and 1752.

AND be it further enacted, that for the better regulating and keeping the records and transferring the *precedents* (a) to posterity, as also for prevention of new suits upon mistakes of the grounds of *orders* (b) that as the plaintiff both in generall (c) and county courts, files his declaration (d) soe the defendant in both those courts shall also put in his answer in writing, and that the judgment if for the plaintiff be endorsed on the declaration, if for the defendant on the answer,

See Pur. p. 28

Ans'ers or plea to be filed in writing.

Judg'nts, how indorsed.

Various Readings.

(a) "President" in Purvis; "Precedents" in Northumberland and Charles City MSS.

(b) "Others" in Purvis; "orders" in Northb. & Ch. Cit. MSS.

(c) The word "courts" after "general" in Purvis; but it is at least superfluous.

(d) The words "files his declaration" omitted in Northb. MS. but inserted in Purvis and Ch. Cit. MS.

Evidence preserved.

And further, that all evidences concerning that cause be filed together with them, and by the clerke carefully preserved.

ACT XXXIV.

fforme of entring the court.

Edit 1733 and 1754.

See Pur. p. 28 Form of entries in the county courts, same as in the general courts, varying only the title, &c.

BEE it also enacted that the forme for the entring the stile of the court, proclamation for silence, the cryer calling the plaintiff to prosecute, (a) and the defendant to answer, be observed in the county courts as well as in the general (b) courts, varying only in the title of the court and the assessors.

ACT XXXV.

Edit 1733 and 1752.

Courts not to take cognizance of any thing under two hundred pounds of Tobacco.

See Pur. p. 28 Jurisdiction of a single justice.

Slander—what words are actionable, and what not.

In actions for others, plaintiff to be nonsuited.

And be it also enacted that the court shall not take cognizance of any cause under the value of two hundred pounds of tobacco or twenty shillings sterling which a private justice may and is hereby authorized and impowred to hear and determine. And whereas many vexatious persons doe very much trouble the courts, and their neighbours for habbling words, sometimes passionately but not maliciously spoken, *Be it enacted*, that noe action be admitted for defamation in any court, where the words are not actionable; and further that there be no words actionable (c) but such, as if true might have brought the person to suffer punishment by law; any other to be cast out of the court, and the plaintiff to be nonsuited; not that liberty is hereby given or intended to any scurrelous person to abuse others at his pleasure, but that his majesties courts be not for such brawles forced to wave matters of greater consequence, and because offences of this nature may be determined by a perticuler justice who

Various Readings.

(a) The words "to prosecute" omitted in Purvis & Ch. Cit. MS.

(b) "Quarter" in North. MS. but "general" in Purvis and Ch. Cit. MS.

(c) The words "and further that there be no words actionable" omitted in North. MS. but inserted in Pur. & Ch. Cit. MS.

is hereby impowered to bind the persons so offending to the good behaviour or if they find not good security for the same, to comitt them to prison till they find itt.

Brawlers to be bound to the good behavior

ACT XXXVI.

Private Courts Prohibited.

WHEREAS many things are acted and administrations granted at private courts which tend to the apparent damage of diverse of the inhabitants of this country; *Be it therefore enacted*, that no private courts be kept, but that all busyness, tryable or (a) grantable by or att the county courts be tryed and granted in open court at the time and places by the law appointed; *Provided* always that it shall and may be lawfull for the dispatch of merchants and other sea affairs which cannot without much prejudice and detriment to the said merchants or masters be deferred till the courts in course should come, *it is enacted* that it shall be lawfull for any justice of the *quorum* by his warrant directed to the sheriffe to call particuler courts and to summon any person or persons before them.

Edit 1733 and 1752.
See Pur. p 29

Private courts prohibited.

Special courts may be held, for merchants and maritime causes.

ACT XXXVII.

Tryalls by Juries.

WHEREAS the seventyeth act made in 1642 and continued by the 91th act 1657 seemes to restraine both plaintiffe and defendant from tryall by juries unles the plaintiffe *by (b)* declaration, or the defendant upon entry of his appearance doe desire the same; which restriction is quite contrary to the law of England, by which the tryalls of all matters of fact is as appropriate and inherent in the jury as matters of law is in the judges; for which cause, and that wee

Edit. 1733 and 1752.
See Pur. p 30 and vol 1, p 273, 274

Juries to decide all matters of fact, both in general and county courts.

Various Readings.

(a) "Tryalls" in Northb. MS. "tryable or" in Purvis and Ch. Cit. MS.

[] From page 32, inclusive commencing at this place, to page 37, wanting in the Ch. Cit. MS.

(b) "In his" in Purvis, but is a mistake, as appears by a reference to the acts,

may in all our tryalls come as near as may be to the laws of England (by which wee are to be governed) as our present capacities will admit, *Bee it enacted*, that every morning the court sitts, whether the generall or the county court, the sherriffe of the county in which it sitts shall empannell a jury to attend the court that day, to try such causes as the court shall find proper to be referred to them, And that when ever a jury is sent out, an officer sworn to that purpose shall keep them from meat and drink vntill they have agreed on their verdict.

How summ'd.

Demeanor.

 ACT XXXVIII.

Grand Juries to present Offenders.

Edit 1733 and 1752

See Purv. p 30
See vol 1, index tit. 'Gr'd jury.'

Grand juries, to be empannelled twice a year, in county courts.

What to present.

What evidence admissible.

WHEREAS the severall laws constituted (a) and made for the redresse of several misdemeanors and offences either through the remissnes of the county courts or the justices which keep the same, or else through the defect of the laws in not appointing some particular officers to look narrowly after the offenders, and to make presentment thereof to the said justices at their county courts, by which means the laws themselves are slighted and contemned, and become wholly uselesse and ineffectuall; *Bee it therefore enacted and confirmed*, that juryes of inquest be empannelled and sworne in every county to enquire of the breach of all penall laws made in their severall countyes. and that they make presentment thereof to the severall (b) county courts, twice yearely, (vizt.) in April court and December court, when the justices are to receive them, and fine the offenders (c) according to law, and to take for evidence the presentment of the jury if made upon the certaine knowledge of any of them; or otherwise the parties that inform the jury to give their evidence to the next justice, in presence of the party presented, which deposition being produced (d) by the jury with their presentment, shal be sufficient grounds for the court, to pass judgment against the offenders.

Various Readings.

(a) "Instituted" in Purvis.

(b) "General" in Purvis, but evidently a mistake.

(c) "Find them" in Purvis, instead of the words "fine the offenders," as in Northumberland MS.

(d) "Presented" in Northumberland MS. "produced" in Purv.

ACT XXXIX.

Pillories to be erected at each court, &c.

WHEREAS many offences are punishable by the laws of England and of this country with corporall punishments, for executing whereof noe such provision hath been made as the said laws doe require; *Be it therefore enacted*, that in every county, the court cause to be sett up a pillory, a pair of stocks, and a whipping post, neere the courthouse, and a ducking-stoole in such a place as they shall think convenient that such offenders as by the laws are to suffer by any of them may be punished according to their demeritts. And the courts not causing the said pillory and whipping post, stocks and duckingstoole to be erected within six months after the date of this act, shall be fined five thousand pounds of tobacco to the use of the publique.

Edit. 1733 and 1752.

See Purv. p. 31
Pillory, stocks and whipping post to be erected in each county.

Also a ducking-stool.

Penalty for neglect.

ACT XL.

ffines to be disposed of by the Assembly.

WHEREAS diverse trespasses against the publique are punishable by ffines which are by the present law to be disposed off to the use of the countyes in which the trespasse is comitted, and yett nothing done for the good of any county, as was intended, whereby it may be presumed that the said ffines are either not gathered whereby the trespassers by this lenity and impunity, are encouraged to percast in their contempt of the laws, or else the said ffines are by some evill commonwealths-men perverted to their owne private uses; for prevention whereof for the future, *Be it enacted*, that the courts shall only lay and collect the ffines, and that they cause the clerke of their respective courts to keep an account thereof, and to retorne the estreatments to the clerke of the assembly at James city, by the third day of the general court held there in March yearly. *And it is therefore enacted*, that the said clerke of the assembly doe annually attend accordingly during the time at the place aforesaid to receive them, and att the next assembly to present them to the burgesses, who are to order the disposall of the said ffines as to them shall seeme most necessary for the

Edit. 1733 and 1752.

See Pur. p. 31.
[See vol. 1, p. 899.]

County courts alone, to lay & collect ffines.

Estreatment of, how returned to the clk. of the assembly.

Ass'by to dispose of ffines, proportioning them among the countyes in which they were levied.

good and benefit of the severall respective countyes wherein they accrewed due ; always proportioning to every county the use of all the fines which were levied therein.

ACT XII.

Supersedeas, by whome and how granted.

Edit. 1733 and 1752.
See Pur. p. 32.
[V. 1, p. 487, 522.]

Supersedeas to be granted only by the governor and 3 of the council.

On what terms.

Damages on affirmance.

WHEREAS the writt of supersedeas hath of late been too frequently granted upon slight pretences of error in the court, thereby not only injuriously delaying justice, and keeping men from their just dues, but also bringing calumnies and aspertions upon the courts themselves, *Be it therefore enacted*, that noe supersedeas whatsoever shall hereafter be granted but by the governor and two of the councill, nor by them unless the party desiring itt make it probably appear to them that there is error in the judgement, and shall also give good security to make good his plea ; and if he be cast at the next general court, to pay the principall with twenty five (a) per cent. damages besides costs.

ACT XLII.

Prisons to be built in each county.

Edit. 1733 and 1752.
See Pur. p. 33
[Vol. 1, p. 340, 452.]

WHEREAS the first act of the assembly held at James Citty the third of November, 1647, and continued by the assembly held there the 13th (b) of March, 1657, for prevention of escapes for prisoners, hath enacted that sufficient prisons should be built in each county, and that a house built after the forme of a Virginia house (our ability not extending to build stronger) should be accounted a sufficient prison, and that any person being a prisoner for debt or crime, and breaking one of those prisons, should (c) be proceeded

Various Readings.

(a) 'Five and twenty' in Purvis.

[The Charles City manuscript is entire from this place.

(b) 'Third' in Purvis and Ch. Cit. MS. but a mistake ; the assembly having commenced on the 13th. see vol. 1, p. 429.

(c) 'Shall' in Ch. Cit. MS. but 'should' in Purv. & Northb. MS

against as a fellow, and that neither courts, commissioners nor sherriffs should be answerable for such escape: And whereas the 61st* act of the assembly held at James Citty, the said 13th March, 1657, makes the several countyes, not building such prison, lyable to the sherriffe for the escape of any person comitted to his custody; which acts have for want of a penalty never been put in execution; for want whereof fellows may escape and debtors for want of due restraint delay always, and defraud oftentimes the creditor of his just dues, and by meanes thereof the law itself made wholly void, which intended principally that all men should by that restraint have bin forced to make speedier satisfaction; for remedy whereof *Be it hereby enacted* that according to the said acts a good strong prison built after the forme of Virginia houses be built within eight months after the date of this act, by the court at the charge of the county, upon penalty of being fined five thousand pounds of tobacco, and be answerable for escapes as aforesaid, And that the person breaking prison shall according to the said act of the third of November, 1647, be adjudged a fellow, And that noe person under execution for debt, or imprisoned for felony shall have the benefit of the rules, and all other persons having the benefit of the rules shall be secured and lye in prison every night at the perill of the sherriffe.

* Vol. 1. p 460

A prison to be built in each county at the charge of the county.

Penalty for neglect.

Prison breaking felony.

Who shall have the benefit of the rules.

ACT XLIII.

Dwellers within the rules of prisons not to have any benefit thereof.

Edit. 1733 and 1752.

AND *be it enacted*, that if the sherriffe shall permitt any person dwelling within the rules of a prison, that is by warrant or order of law committed to prison to walke abroad out of prison though with a keeper, and to have the benefit of the rules or to lodge in his own house; the said sherriffe upon prooffe thereof made at the county court by the plaintiffe shalbe ordered to pay the debt as in case of escapes.

Purvis 34. Sheriff permitting such as dwell within prison rules & are committed, to walk abroad or lodge in their own house, liable for escape

ACT XLIV.

Edit 1733 and
1752
Purvis 34.

Sherriffs to be chosen in the commission.

Sheriffs to be
chosen out of
the commissi-
oners of the
peace.

To hold their
office one year
only.

So, of under-
sheriffs.

FORASMUCH as the commissioners of county courts are by the laws of this country answerable for the levyes and estreatments of each county of which the sherriffe is usually collector, *Be it therefore enacted* that none but one of the commissioners of each county shalbe be sherriffe for the county; *And further* that the commissioners shall excercise the said office of sherriffe successively as they hold their places in commission, every one an whole yeare and noe longer: *Provided* that every such commissioner before he be admitted to take his oath give in good security for the due execution of his office and performance of the trust comitted to him, and then his oath be administered unto him, *And be itt further enacted* that noe undersherriffe shall execute the office of an undersherriffe in the same county above one yeare: *Provided always*, that the sherriffs of James City who are more imediate officers than any others to the general courts and the publique shalbe left to the governor's free choice: *And further* that if the governor see cause for the better promoting any of his majesties special services it shall be left to his discretion to pass by any person in any other comision, and to give the place to those in the comision he shall think most meete to supply the exigent of the present occasion, But because the laws as well of England as this country prohibite the executing the office of sherriffe by any person two years together, the governor is earnestly desired by the assembly in any of his elections not to infringe those laws.

 ACT XLV.

Edit. 1733 and
1752.
Purvis 25.

Sherriffs not makeing retornes.

Sheriffs not
mak'g returns
of writs in
time forfeit
1000 lbs of to-
bacco.

WHEREAS the sherriffs often through neglect, often for favor to the debtor omitt the serving the processes to them directed and makeing retornes thereof, according to law, by meanes whereof the courts are prolonged, justice delayed, and the parties by their attendance and expences very much indamaged, *Bee it therefore enacted* that every sherriffe fayling to make sufficient retorne (that is that the writt is executed and

the name of the bayle taken) of any warrant to him directed three days at least before the day of the retorne of the writt in the general court, and two days before the county courts, shall be amerced one thousand pounds of tobacco, one halfe to the plaintiff if he sue for itt, and the other half to the county, *Provided* that the said plaintiff prove the delivery of the warrant to the sherriffe.

Provisio

ACT XLVI.

Sherriffs to take baile.

BEE it also hereby enacted that all sherriffs shall take sufficient bayle of all persons arrested, *with the condition to bring forth the party arrested (a)* and performe the award of the court, and if the sherriffe shall neglect to take sufficient bayle of the party arrested or otherwise consent to be the cause of his escape, then the said sherriffe shalbe liable to pay the award of the court himself, and shall also pay in case the consent to the escape be proved one thousand pounds of tobacco, one halfe to the publike the other halfe to the party greived, for his delay in recovering the debt, but if bayle be taken and the party appeare not to answer the suite, then judgment shalbe awarded against the bayle, *Always provided*, that the sherriffe or bayle shall if they desire it have an attachment against the estate of the party arrested and not appearing, *And further* that if the sherriffe or bayle shall at the next court after that to which the arrest was made, bring forth the body of the party soe arrested to answer the suite, then the sherriffe or bayle shalbe acquitted for the judgement passed against them.

Edit. 1733 and 1752.

Purvis 35.

(See vol. 1, p. 448)

Sheriff to take bail on arrests.

Consequence of failure, or of permitting an escape.

When sheriff or bail may have attachment against the principal.

How they may discharge themselves.

ACT XLVII.

Non est inventus.

BEE it also enacted, that if any sherriffe shall retorne *non est inventus* upon which an attachment hath

Edit 1733 and 1752.

Purvis 36.

(See vol. 1, p. 466.)

Various Readings.

(a) The words "with the condition to bring forth the party arrested," omitted in Purv. and Chas. City MS which leaves the sense incomplete. But they are inserted in North.b. MS.

upon a former act. bin usually granted when perhaps neither the sherriffe nor his officer have bin at the house of the defendant to the great damage and disparagement of the defendant of having his goods attached, *Bee it therefore enacted*, that henceforth the sherriffe or his officer shall declare upon one of their oathes that he hath bin at the house of the defendant, and hath there left a copy of his writ before his retorne of *non est inventus* be admitted, and if he shall refuse to make such oath, then order to pass against him according to act for non retornes, but if the retorne be proved and allowed in court, then after thrice summoning the defendant by proclamation in court, an attachment shall issue against his estate retornable the court following, where if the defendant appear not to replevin the attachment, judgment shalbe granted to the plaintiff for his debt, being made evidently appear to the court that it is justly due to him.

Sheriff not to return *non est inventus* without oath of having been at deif's. house and there left a copy.

Proceedings thereon.

ACT XLVIII.

Apprisement of goods.

BEE it enacted for the equal apprisement of goods seized by execution, that the plaintiff and defendant shall chuse each of them two indifferent men for that purpose, and in case of disagreement the said fower or any three of them shall chuse an umpire, which umpire soe chosen shall be sworne by the next commissioner to apprise such goods indifferently, and his umpirage to be finall. *And be it further enacted*, that if plaintiff or defendant neglect to appoint apprisers within three days after execution is served, notice being given them by the sherriffe to whom the execution was directed, that then the sherriffe in such case of neglect shall choose and appoint apprizers either for plaintiff or defendant for apprizing the goods by him seized upon execution as aforesaid: *And be it further enacted*, that before such apprizement the sherriffe shall not remove the goods out of the possession of the plaintiff, and the surplusage, if any, be returned to him, but after apprizement made as aforesaid the property to rest in the sherriffe for the use of the creditor to whome the sherriffe shall give notice, that he may take them into his owne possession: *And because* there can be

Edit. 1753 and 1752.

Purvis 36. Goods taken in execution, how appraised.

How goods disposed of, before & after appraisement.

Executions & returns to be recorded.

noe averment against the record. *It is further enacted* that the sherriffe make retorne of the execution to the clerk of that county that granted itt. by him to be entred upon record under the order itt was issued upon, that soe the satisfaction as well as the judgment may be authentickly proved if occasion require.

Whereas the act for releife of poor prisoners hath contrary to the intent thereof bin extended to men of all capacities, and by that meanes an inconsiderable part of their estates, or at least unprofitable to him whose dependance is tobacco, according to agreement forced for satisfaction. *Be it therefore enacted* that henceforth every debtor under execution for debt, shall be deteyned in prison untill he hath paid the debt in kind; but that a reall poor man laid under execution for a debt under one thousand pounds of tobacco shall still have liberty by part of their estate by some justice of the county indifferently assigned, and by appryzers summoned by the sherriffe and sworne equally to apprise the said estate, shall make payment to their creditor thereof, and redeem their persons.

What persons shall have the benefit of the act for the relief poor prisoners

(See vol. 1, p 294, 346. 454)

ACT XLIX.

Noe Commissioner, Clerk, or Sherriffe to be Attorneys in the courts where they officiate.

Edit. 1752.

BEE it enacted that neither commissioner sherriffe under sherriffe or clerk of any court within this colony shalbe permitted to plead as an attorney in any persons behalfe in the court wherein he officiates, and the said commissioner, sherriffe, under sherriffe or clerke offending herein shall for every fault be fined one thousand pounds of tobacco, to the use of the county; *Provided always* that if any poore person not able to plead his owne cause shall request the court to assigne one of the commission to plead for him it shalbe lawfull for the court to grant itt. and for the commissioner to plead accordingly; but the councellers commissioner or commissioners soe pleading the poore mans cause not to give judgment therein: *Provided also* that any commissioner sherriffe, under sherriffe or clerke acting as general attorney for any person absent out of the country or county and negotiating their affaires, and soe lyable to be sued for their

Pur. 38 Edit. 1733, p 11. No commissioner, sheriff, under-sheriff or clk to plead as attorney in the c't where they officiate.

Exception in favor of poor persons.

Proviso

Further proviso

employers, such persons notwithstanding this act shall have liberty also to plead and prosecute in any cause that shall any wayes concern their said employers.

ACT I.

Purvis 38.

Publication of writts for election of Burgesses.

Preamble.

WHEREAS frequent complaints are made by the people that they have noe notice of the time appointed for election of Burgesses and by that meanes are deprived of giving their voyces in the election of their owne representatives. *Bee it enacted* henceforward that the sherriffes of the respective countyes shall upon the receipt of the writts cause coppies thereof with the day appointed for the election indorsed to be sent to the minister or reader of every parish in their county, who is to read the same to the people two Sundays successively, both in the Church and Chappell of ease to itt belonging (to the end that noe person may pretend ignorance) and retorne the same to the sherriffe with his attestation subscribed that he hath published the same according to the tenor of this act; which attestation shalbe sufficient to discharge the sherriffe from blame: But if the sherriffe neglect sending copies as aforesaid then to be fined two thousand pounds of tobacco to the use of the county; and every freeman after such publication made neglecting to come and give his vote at the place appointed for his election shalbe amerced two hundred pounds of tobacco to the use of the county. *And be it further enacted* that if the sherriffe shall not before the day of his retorne make his due retorne of the writt with the names of the Burgesses indorsed into the secretaryes office at James City the said sherriffe soe neglecting shalbe fined two thousand pounds of tobacco to the publique.

Writts for election of Burgesses, to be read in churches, by minister or reader & returned to sherriff.

Pen'ty on sherriff for neglect in sending copies of writts of election to minister.
On every freeman failing to vote.
On the sherriff for failing to return the writt.

ACT LI.

Edit. 1733 and 1752.

Public levies to be first paid.

Purvis 39.
Preamble.

BEE it also enacted that no sherriffe shall, where he receives tobacco of any person indebted for his levies, and also for fees and other debts due to himself or any other officers, not paying the whole in kind,

by which meanes for parte thereof distress must be made, shall presume to convert the tobacco in kind to his own or any other use, and force the country creditors to accept of the distresse, or stay for his debt; that all debts due to the publique be first paid and the tobacco in kind paid to the creditor of the publique whose reputation is by those evasions often villified and that the sherriffe making default herein shall be fined ten thousand pounds of tobacco to the use of the publique upon prooffe thereof made in any court of record in the country.

Debts due to the public to have a preference.

ACT LII.

The Sherriffe upon the instance of the Treasurer or Deputy to collect the quittrents. Edit. 1752.

AND be it further enacted that the sherriffe being his majestie's imediate officer shall upon the instance of his majestie's treasurer or his deputy here, be compelled to receive all such quitt rents as the said treasurer or his deputy shall give him order to receive in his county, and that the said quitt rents be paid as the levyes in the direct specie of tobacco or mony, and that no particular flees or debts be preferred before them, under like penalty as for the payment of other debts before the levyes.

Pur. 40. Edit. 1733, p. 11. Quittrents to be collected sherriffs & paid in the specie of tobacco or money.

ACT LIII.

Lists of Tythables how to be taken.

WHEREAS the fraud of sherriffs in bringing in the lyst of the tythables hath very much augmented the taxes of the country. *Be it enacted* for the better discovery of the number of tythables each county shall be divided into severall precincts in each of which a commissioner shall be by the court appointed to take the lists of the tythables to be brought or sent in under the hand of the master of every family of the names and number of the tythables he hath in his family, and if he bring in a false lyst the said master shall pay treble duties for every person see by him concealed. *And be it further enacted* that the said

Edi. 1733 and 1752. Purvis 41.

Each county to be divided into precincts, for the taking of lists of tythables

Penalty for
concealing.

Notice.

Lists, when &
where to be
returned.

commissioner give publique notice in writing to be read and sett up att the doore of the Church or Chappell of ease of the precinctts he is to take account off, and of the day he will receive them, *provided* the day before the tenth of *June* at furthest at which tyme every person neglecting to bring in his lyst as aforesaid shalbe adjudged a concealer and pay accordingly, and every commissioner fayling in giveing notice, neglecting to take the lyst, conniveing at others concealment, or not giving a trae lyst of his owne tythables shall also pay treble duties as aforesaid; *And be it further enacted* that every commissioner in *August* court following shall deliver the accompt soe taken by him and the subscriptions of several masters of families to the clerke of the county courts, who shall retorne an exact lyst of the families to the clerk of the assembly the first or second day of every September general court.

ACT LIV.

What persons are Tythable.

Edit. 1733 and
1752.

Purvis 41.
Persons tythable—all male persons, negroes male or female, Indian servants male or female 16 years old.

Who exempted.

WHEREAS severall disputes have been made of what persons were tytheables: *It is hereby enacted and declared* that all male persons, of what age soever imported into this country shalbe brought into the lysts and be lyable to the payment of all taxes, and all negroes male and female being imported shalbe accompted tythable, and all Indian servants male or female however procured being adjudged sixteen years of age shalbe likewise tythable from which none shalbe exempted, but such christians only as are either natives of this country, or are imported free by their parents or others who shall not be lyable to the payment of lvyes until they be sixteen years of age, or such others as by particular acts of assembly are exempted.

ACT LV.

Edit. 1783 and
1752.

Purvis 42.

Members of
council & ten
of their family
exempted from
taxes.

Councillors and ten persons exempted out of the lvyes.

BEE it enacted that each councillor of state of this country shalbe freely exempted from all publique charges and taxes for themselves and ten of their fami-

ly, the minister and church duties excepted. *And further* that all ministers officiating in any cure of this country shall for their attendance on the general courts and assembly be exempted themselves and six of their family from paying any publique taxes, *And further* that all persons that came into this country at the last coming in of Sir *Thomas Yates** shall have their owne persons exempted from payment of any publique taxes, church duties excepted, and also from their personal service in the warres.

(See vol. 1, p 223, 415)
Ministers & 6
of their family

Also those
coming in
with Sir Thos
Gates

ACT LVI.

Artificers not planting Tobacco freed from payment of the levyes. Edit. 1733 and 1752.

AND whereas all persons artificers & others are forced to neglect their trades, and to plant tobacco merely for the payment of the levyes: *Bee it enacted* that what artificer or handycrafts man soever will employ himselfe and servants only about their trades, and not plant any tobacco at all; every such artificer and handicraftsman soe following his trade, and not planting tobacco, either by himselfe or servants, shall for his encouragement be exempted from paying any levies either for himselfe or servants for the terme of three years except it be ministers dues and church duties: *Provided always* that if any person clayming the benefitt of this act shall directly or indirectly at home or abroad plant or tend, or cause to be planted or tended any tobacco, contrary to the intent of this act, or hire out his servant or servants to others to plant or tend tobacco, he shall be censured to pay double levyes for himselfe and all his tythables to the use of the county.

Purvis 42.
Artificers re-
fraining from
planting tobac-
co & pursuing
their trades
exemp'd from
taxes for three
years

Pen'ty of such
if they plant
tobacco con-
trary to this
act

ACT LVII.

Councillars to raise a levy. Edit. 1733 and 1752.

WHEREAS the necessary charge of the country doth inforce the raising of an annuall levye, which being commonly done by an assembly, the charge

Purvis 43.

Various Readings.

* 'Yates' in Purvis and Northb. MS. but a mistake: it should be 'Gates.' See vol. 1, p. 124, 172, 263, 460. 25

Gov & council authorised to apportion and lay a levy during the recess of the assembly to save the expense of their session.

Clks of courts to transmit lists tithables annually.

of which doth most times equall itt, if not exceed all other taxes of the country. *Bee it therefore enacted* that the governor and councell in September 1662, shall have power to raise and proportion a levye to defray the country debts and salarys allowed by the assembly and such other debts also as they shall find justly and necessarily due according to the number of tythables: *Provided* the whole amount not to more than twenty pounds of tobacco per poll, and this act to continue for three yeares unles some occasion present in the meane time of calling an assembly: And that the levye may be truly proportioned, *Bee it enacted* that every clerke of a county court transmitt the certificate of the number of tythables in his county to the secretaries office in every September court.

ACT LVIII.

Noe arrests to be made on Sabbath days.

Edit. 1733 and 1752.
Purvis 43.
(See vol. 1, p 457.)

No arrests on Sabbaths or certain holidays, or at musters or election of burgesses.

Except for felony or breaches of the peace.

WHEREAS it hath beene the frequent practice of sherriffe and their officers for their owne ease and benefitt to repaire to the churches and other places of publique meetings on purpose to serve warrants and executions and other writts by which meanes men in danger of arrest have bin deterred from the service of God and the King. *Be it enacted* that noe sherriffe nor his officer shall henceforth execute any writt or warrant upon any person or persons either upon the Sabbathday or upon the day of humiliation for the death of the late king of blessed memory, or upon the days appoined for thanksgiving for his majesties happy inauguration, and for the deliverances of this country from the two bloody massacres, nor at the times of generall muster or election of burgesses: *Provided* always that it shall and may be lawfull for the sherriffe or any other officer to apprehend and carry to prison any person or persons for riotts felony or suspicion of felony or escape out of prison when under execution, upon any day at any place, any thing in this act to the contrary notwithstanding. (a)

Various Readings.

(a) The words "any thing in this act to the contrary notwithstanding," in Purvis, but omitted in Northumberland MS.

ACT LIX.

Reward for killing of Wolves.

WHEREAS great complaint is made of the frequent & many injuries done by wolves to the cattle & hogs of several inhabitants of this country. *It is therefore enacted* that for the encouragement of those that will make itt their business to kill and destroy them, that they shalbe paid by the county in which they are killed, for every wolfe destroyed by pitts, traps or otherwise, two hundred pounds of tobacco, *provided* he make prooffe before the next commissioner how the wolfe was killed, and brings his head. and take from the said commissioner a certificate thereof, which being produced to the court when they are proportioning the levye shalbe sufficient to have the said reward raised upon the county, *and to be paid* to such persons, as it is justly due.

Edit. 1733 and 1752.

Purvis 44.

[See vol. 1, p. 199, 328, 456, 457.]

Reward for killing wolves payable by the county.

ACT LX.

Commissioners to take security of the Sherriffes.

BEE it also enacted that the commissioners of every county shalbe answerable to the publike for all levyes laid upon their county by act of assembly, and for the sherriffes performance of his place, and in regard thereof are hereby impowered before the admission of any sherriffe into his office to take such security of him as they shall think fitt and sufficient to save themselves harmlesse for the receiving and discharging all publike duties, whither quitt rents levyes or officers fees committed to his charge of collection and for the due performance of his office; *Provided* that no commissioner shalbe lyable but such as were of the commission when the defect was made.

Edit. 1733 and 1752.

Purvis 45.

[See vol. 1, p. 259, 284, 442, 445.]

Justices liable for levies imposed by act of assembly, & authorised to take good security of the sherriffs.

ACT LXI.

Judgment before Commissioners.

BEE it enacted that the voluntary confession and acknowledgments of a debt by the debtor under hand and seale before two commissioners of which

Edit. 1752.

Purv. 45, and edit. 1733.

[See vol. 1, p. 304, 447, 455.]

Confession of a debt before two justices, equal to a judgment.

But a *scire facias* necessary, if no execution within a year.

one of the *quorum* shall be accounted in law of the nature and quality of a judgment, the same commissioners attesting the same under their hands, and so certifying it to the clerk of the county court to enter it upon record, upon which writing so acknowledged, attested and recorded, execution shall issue, in case the debt be not paid, as if judgment had bin granted for the same in open court, *provided* that if noe execution issue within a yeare after such acknowledgment, then a *Scire Facias* shall issue before any writt of execution shall issue forth.

ACT LXII.

Persons removeing into the Bay.

Edit. 1752.
Pa. 46 and
Edi 1783.
[See vol 1, p
465.]

Persons removing out of the county to give previous notice.

A debtor removing may be arrested by warrant from the secretarys office, & bro't before the governor, or any of the council. If the money not due, he must give security, if it be executi'n may issue.
Pen'ty for removing cattle without notice and recording the ear marks

FOR avoiding of creditors charges and troubles in recovering their debts by reason of diverse persons removing themselves from their places where they contracted their debts into remote counties, *Bee it enacted* that noe person whatsoever shall remove out of the county where he dwells unless he first sett up his name at the doore of the parish church or chappell where he dwells, three Sundays together, and in the same expresse his intent of leaving the country, and certifie the place he is about to remove to, and take certificate thereof from the minister or reader of the said church or chappell and the churchwardens of the parish to the clerke of the county court, who shall grant him a lycence thereupon to depart, *provided always* that if the said person soe removing pay not his debts contracted before his removing according to the tenor of the specialties by which they are due, It shalbe lawful for any of his creditors by a warrant from the secretaryes office to bring the debtor personally before the governor or any of the council for what value soever the debt be off, and there put in sufficient security for performance of his obligation according to the tenor thereof (in case the day of payment be not past, any restriction in any other act to the contrary notwithstanding, and then to take out execution against his body or estate for satisfaction of the debt. *And be it further enacted* that if any person or persons shall before or after certificate obtained as aforesaid, remove or transport any cattle out of the county he

dwelled in without notice given to fower of the nearest inhabitants (who are hereby required to take espetiall notice of the eare marke and colour of the cattle to be removed) and make a lyst of them and their markes, and carry the same subscribed by the said viewers to the clerke of the county court to be recorded, shall upon lawfull conviction forfeit for every beast transported contrary to the tenour of this act one thousand pounds of tobacco, one halfe to the publike, and the other halfe to him that shall make the complaint against the party soe offending. And if any merchant, marryner, or other person whatsoever shall transport any person or persons out of his county, without certificate as aforesaid, the said merchant, marryner, or other person soe offending, shall be lyable to the payment of all the debts and engagements of the party transported, being due at the time of his removeall.

[Vol. I, p. 209, 243-437.]

All persons removing a debt or liable for his debts.

ACT LXIII.

English weights and measures.

Edit. 1752.

WHEREAS dayly experience sheweth that much fraud and deceit is practised in this colony by false weights and measures, for prevention whereof, *Be it enacted* that noe inhabitant, or trader hither, shall buy or sell, or otherwise make use of in trading, any other weights or measures than are used and made according to the statue of 12 *Henry, VII, cap. V. (a)* in that case provided: and for discovery of abuses, *Bee it further enacted* that the commissioners of every county, doe provide at the charge of the county, sealed *weights* of halfe hundred, quarternes, (*b*) halfe quartnernes, seaven pounds, fower pounds, two pounds, one pound; *measures* of ell and yard, of bushell, halfe bushell, peck, and gallon, of *Winchester* measure; gallon, pottle, quart, pint, halfe pint, of wine measure out of England; and that the said weights and mea-

Pur. 47 & Edit. 1733.

Buying & selling by other wts. and measures than the English stand-ard prohibited.

Wts. & measures to be provided at the charge of each county.

Where kept,

Various Readings.

(a) For the words '12 Henry VII. chap. V.' there is a blank in Purvis and Northb. MS. but they are inserted in the edition of 1733.

(b) 'Quarters' in edit. of 1733, but 'quarternes' in the Northb. MS. and 'quarterns' in Purvis.

Pen'ty. for selling by other wts. and measures.

On justes. for not providing them by the 1st of December, 1663.

asures be kept by the first of every commission at his house, and with them a burnt marke of (C. V.) (a) and a stamp for leaden (b) weights and pewter potts, whither all persons not using weights and measures brought out of England, and sealed there shall bringe all their barrells (which are to containe five bushells) and other measures to be sealed, and their stillyards to be tryed; and all persons selling by other weights and measures not sealed and tryed as aforesaid, shall forfeite one thousand pounds of tobacco, the one halfe to the publike, the other halfe to the party that shall make his complaint; and if the commissioners shall make default of the providing such weights, measures, seales, (c) and stamps as by this act they are injoined by the first of December 1663, the said commissioners shall be fined five thousand pounds of tobacco to the use of the publike.

ACT LXIV.

Edit. 1733 and 1732.

Purvis 48

[See vol. 1, p. 302, 447.]

County courts authorised to grant probate wills & letters of administration.

Duty of clerk in certifying to the secretary's office the name of the testator, executor, &c.

County Courts to grant probatts and administrations.

BEE it enacted that the county courts shalbe impowred to grant probatts of wills and administrations upon the estates, of persons dying intestate to take security and receive the inventories of the said estate; *Provided* that the clerke of the county courts when he sends or carryes the said probatts or commissions of administrations to be signed doe then alsoe certifie into the secretaryes office the name of the testator or party deceased, the executor or administrator and their security, the county and parish where they dwell, and the court wherein the administration is granted to the end that strangers and other creditors interested (d) in the estate may be better enabled to find out the records in which the account of the estate is entered, and be informed how they may come by their just dues.

Various Readings.

(a) For the letters '(C. V.)' there is a blank in Purvis and edition of 1733, but they are inserted in Northb MS.—But 'quare, if it should not be 'V. G.' see vol. 1, p. 170.

(b) 'London' in Northb. MS. but 'leaden' in Purvis and edition 1733.

(c) 'Scales' in Purvis and edition 1733, but 'seales' in Northumberland MS.

(d) 'Invested' in Purvis but 'interested' in Northb. MS.

ACT LXV.

Administrations to whome to be granted.

Edit. 1733 and 1752.

WHEREAS commissions of administration are sodainly obtained, and the estates as sodainly disposed of under pretense of greatest creditor, or next of kin, whereby oftentimes they that really are soe, are the one defrauded of his just debt, and the other debarred of his right and interest, before either can have notice of the party deceased: *Bee it therefore enacted* that noe administration be granted untill nine months after the parties decease except to his widdow or child, and then to be imediately granted the said widdow or child bringing in sufficient security for performing all things the law requires, and savinge the courte harmlesse: *And be it further enacted* that in case the widdow or child doe administer, the estate shall be inventoryed and apprizement made by fower men appointed by the court, and sworne by a justice of court as formerly, which inventory and apprizement shalby the said widdow or child be brought into the next court held in that county unles the court for reasons shewed them may think fitt to grant liberty to bring it in the court following. (a) But in case the decedent dye without widdow or child, then it is enacted that the estate for the better improvement thereof, be by the court sold at an outcry and the purchasers all putting in security and acknowledging judgments for their debts which by the court shalbe assigned to the severall creditors of the decedent and paid according to the priority in law and the surplusage (if any) remayning to be delivered to the next kinsman of the decedent if he appears, and if none prove himselfe such within three years, then the court to give an accompt of the said surplusage to the assembly who are to dispose of the same to the use of the countrey (b) allowing to the court or whome they intrust with the management of itt for his reasonable costs and paynes.

Purvis 48. (See vol. 1, p. 479.)

No admintion to be granted till 9 months after the party's decease, except to the widow or child. Estate, when and how appraised.

Where no wife or child;

Debts, how paid, & estate how disposed of.

Various Readings.

(a) The word 'following' omitted in Purvis, but inserted in Northb. MS.

(b) 'County' in Purvis, 'country' in Northb. MS.

After paym't of debts the surplus to go, one-third to the widow & the remainder to the child'n equally, or their representatives.

No person to act as adm'or with't giving security.

When the adm'n'r dies before full adm'n another may be appointed.

And when the widdow or child administer, the surplusage, after debts paid and the funeral charge according to the quality of the person allowed for shalbe equally devided between the widdow and children, vizt, one full third of the personal estate to the widdow, and the other two thirds among the children, if any of which dye before it come to age his proportion to be equally (a) devided among the surviving children.

And whereas it hath bin the frequent evill practise of administrators as soone as they have obtayned an order to administer to act as administrator by virtue of that order, without giving security or taking out their commissions soe that the estate being imbezelled away noe account can be given thereof, *Bee it therefore enacted* that whosoever pretends to administer upon any estate shall bring to the court sufficient security before the order shall be granted, and an order thus obtayned legally by giving such security to be truly accomptable to bring in a true inventory and to perform such things as the administrators by law are enjoyned shall not at any time be reversed, unles the party that obtayned the same dye before he hath given an account of the estate, and obtayned his quietus, in which case the court is impowred to grant the administration of that estate soe not accompted for, to some other person who may by virtue thereof call his heires, executors, or administrators of the former administrator to an account who shall pay out of the said deceased administrators estate, all such debts as shalbe found due to the estate he administered upon in the first place.

ACT LXVI.

Concerning Orphants.

CONCERNING Orphants estates *Bee it enacted* that all wills and testaments be firme and inviolable, unles the executors or overseers doe refuse to execute the trust reposed in them by the testator in which case the court may appoint others to act accord-

Edit. 1733 and 1752
Furvis 50.
[See vol. 1, p. 416, 480.]

Various Readings.

(a) The word 'equally' omitted in Furvis but inserted in Northumberland MS.

ing to the will, but if the said will be soe made that noe person will undertake the managing of the estate, or education of the orphants according to the tenor of it, then that the estate by appointment of the court shalbe managed according to the rules sett downe for the ordering the estate of persons intestate, as followeth :

First, that noe account be allowed for dyett, cloaths, phisick, or else against any orphants estate, but that to be educated and provided for by the interest of the estate, and increase of their stock according to the proportion of their estates, if it will bear it; but if the estate be so mean and inconsiderable, that it will not extend to a free education, then it is enacted that such orphants shalbe bound apprentices to some handycraft trade untill one & twenty years of age, except some kinsman or relation will maintain them for the interest of the small estate they have, without diminution of the principall which whether greate or small always to be delivered to the orphants at the years appointed by the law.

That all cattle, horses and sheep be returned in kind by the guardian according to age and number, according as he received them; and because severall had before the first making of this act estates of orphants in their hands in which they kept for the male increase, and givinge the yearly accompt of the augmentation or declination of the orphants stock (which by the carelesnes or wickedness of the guardians was usually consumed before they came to age) and disputes thereupon arise in severall courts how such persons should be proceeded with, and accompt of orphants estates how to be given them. It is hereby declared that all persons possessed of orphants stocks before the first making this act, shalbe bound to deliver to the orphants when he comes to age, such and soe many of any kind as he was possest of when he gave his accompt to the next orphants court succeeding the publication thereof.

That all plate and mony be preserved and delivered in kind according to the weight and quantity; that other household stuffe and lumber be apprized in mony, and the value thereof paid by the guardian to the orphant when he comes to age, in the country commodity at the prize current as it shall be worth at the time, in the place where the orphants estate is managed.

Ex'ors refus'g to qualify, adm'n with the will annexed may be granted.

But if no person will execute the will, then the estate to be managed as in case of intestates.

Orphants to be educated on the interest of their estate, but if too small for that purpose, to be bound out, unless some fr'd will k'p them on the interest Princip'l to remain unimpaired.

Cattle, horses & sheep to be return'd by the guard'n to his ward, according to age and number as received by the guardian

Plate & money to be returned in kind according to weight. Housh'd stuff by appraised value

Courts to take sufficient security for orphans' estates and to enquire into the sufficiency yearly; to change it if necessary.

General power & duty, as to guardians, orphans & apprentices.

Orphans, not bound apprentices, to have produce of their own labor after 17 years of age.

Commissions allowed to guardians.

Allowance to appraisers of estates.

Fun'l charges not to be excessive.

That the court take able and sufficient security for orphans estates, and inquire yearly of the security; and if the court see cause, to have it changed and called in and placed as the court shall think fitt; the court also to inquire whither orphans be kept maintained and educated according to their estates, and if they find any notorious defects to remove the orphans to other guardians; also for those that are bound apprentices to change their masters if they use them rigorously, or neglect to teach them his trade.

* That such orphans as are not bound apprentices shall after seventeen years of age have the produce of their owne labour and industry, and liberty to dispose thereof at their discretion, the guardians still allowing them their maintenance for the interest of their estate.*

That noe more be allowed to guardians for collecting of debts due to any estate than ten in the hundred, the usuall allowance of merchants to their ffactors and attorneys.

That thirty pounds of tobacco per day be allowed to each apprizor for apprizements of any estate if they will take itt and noe more.

That no allowances be made by the court of excessive ffuneral expences, but a regulation thereof be made, according to the proportion of the estate, and the quality of the person.

ACT LXVII.

Orphants Lands not to be aliened.

Edit. 1752.
Purvis 52 and
Edit. 1753
[See vol. 1, p
443]

County courts to protect the lands of orph's during their minority. Their guardians not to rent it longer than their attainm't of full age.

BEE it also enacted for the future benefit of all orphants that the severall county courts doe take into their serious consideration and care that the lands in the county belonging to any orphants be not aliened sold or taken up as deserted land by any person during the minority of the orphant, and that the guardian or overseers of any orphants doe not let, set, or farme out any land belonging to any orphant, for longer terme,

Various Readings.

* The entire clause between the asterisks, *—* omitted in Purvis, but inserted in Northb. MS.—See vol. 1, p 416, where there is a similar provision in the act from which this was taken.

then till the orphan, be at age, and that an espetiall care be had that the tenant shall improve the plantation by planting an orchard and building a good house, and that the tenant shalbe bound to maintaine a good fence about the orchard, and keep the house in sufficient reaire and leave it tenantable at the surrender, and that provision be made in the lease for preventing all waste of timber, or employing it to any other use than the use of the plantation.

Covenant, as to planting orchards, building houses, &c. to be inserted in the lease.

ACT LXVIII.

Grants of Land.

BEE it hereby enacted that any person or persons clayming land as due by importation of servants shall first prove their title or just right before the governor and councill, or produce certificate from the county court to the secretarys office before any survey be made or grant admitted it being unreasonable that others furnisht with rights, should be debarred, by pretence of survey which in itselfe is noe title,

Edit. 1733 and 1752.

Purvis 52

[See vol. I, p. 274, 444]

How persons claiming lands by importation rights must prove their title.

ACT LXIX.

Deserted Lands.

BEE it also enacted, that no pattent of land shall hereafter passe upon pretence that the land is deserted for want of planting within the time of three years, unles prooffe thereof be made before the governor and councill, and an order obtained from them for the pattenting thereof, neither shall the first petitioner for any deserted land be denied haveing the first grant, he making his rights appeare when he petitions for the land. And whereas the former act concerning deserted land reserved to the first taker up his rights to take up land in another place; *It is hereby enacted* that in regard he hath had the benefitts of his rights held the land in possession, might make use of the timber without contradiction, yet neither pays the king any rents, nor suffers him to admitt any new tenant, that the rights as well as the lands shall be forfeited, and the grantee made incapable of using either of them afterwards: *Provided* that any person having taken up land deserted before the making of this act in Novem. 1652, shall not by vertue of this act be outed of possession.

Edit 1733 and 1752.

Purvis 53.

[See vol I, p 291, 468.]

Lapsed land not to be entered without an order from the governor and council.

Former law authorising first patentee to take up other lands repealed.

Proviso.

ACT LXX.

Seating upon other mens dividend.

Purvis 53.
 Edit. 1733.
 [See vol. I, p. 260, 443.]
 A person who has built upon lands supposed to be his own, but upon survey, prove to be anothers shall be allowed for his improvements. But if they amount to more than the owner is willing to give, the seater must purchase the land.
 Proviso.

WHEREAS diverse suites have risen about seating ignorantly upon other mens lands, for deciding the same, *Be it enacted* that if any person whatsoever hath built or seated upon any land supposed his owne, but proving by a just survey to belong to another the charge of such building seating and clearing shall by twelve men upon their oaths be indifferently valued, and the consideration by the said twelve men soe adjudged shalbe paid by the owner of the land to the first seater that was at the charge, but if that shall amount to more than the said owner is willing to disburse, then the said twelve men shall make a valuation of what the land was worth before the seating thereof, which the seater shall accordingly pay to the true owner, *Provided* always that noe consideration shalbe allowed for building or clearing to any person that shall obstinately persist after lawfull warning given him to desist.

~~REVISION~~

ACT LXXI.

Not to shoot or range upon other mens lands.

Edit. 1733 and 1752
 Purvis 53.
 [See vol. I, p. 437.]
 Penalty for shooting upon other mens lands, without leave.

WHEREAS the rights and interests of the inhabitants are very much infringed by hunting and shooting of diverse men upon their neighbors dividends contrary to the priviledges granted them by their pattents, wherby many injuryes doe dayly happen to the owners of the said land, *Be it therefore enacted* that if any planter or other shall hunte or shoote within the lymitts of anothers dividend without leave first obteyned from the proprietor, he or they soe offending shall forfeit for every such trespassse fower hundred pounds of tobacco, one halfe to the owner of the land, the other to publique uses, notwithstanding it shalbe lawfull for any person or persons to hunt or shoot upon any dividend of land not planted or seated though taken up without restraint or penalty; *Provided* also that it shalbe lawfull for any person having shott any game without the lymitts of another mans land to persue the same into any dividend, and freely to carry away the same, as also to seake or fetch his

Not to prohibit persons who hee shot game from pursuing it

owne cattle and hoggs from off any mans land, first giving notice to the owner of the land of his intent and of the time he intends to stay upon itt, soe the said owner may if he think fitt send one to see what cattle or hoggs he drives away, *Provided* that the governor may commissionate some gentlemen of the colony to lycence any person to hunt wild hoggs upon any mans plantation not being fenced.

Or to hunt his own cattle & hoggs, giving previous notice to the owner of the land.
Gov. may license some gentlemen to hunt w'd hogs on lands not fenced.

ACT LXXII.

Lands five years in possession.

WHEREAS sundry suites and controversies have bin, and dayly doe arise about claymes and titles to land to the greate impoverishing of diverse persons, for remedy whereof, and for the better establishing the inhabitants in their rights and possessions hereafter. *Be it enacted* that all persons whatsoever that have or doe pretend any title to any land, shall prosecute their claymes before the said land hath bin peaceably enjoyed five yeares, otherwise it shalbe a good plea in barre for the possessor of such land claymed or possessed to affirme he hath had peaceable possession without clayme by commencement or prosecution of suite full five yeares, proof whereof shalbe a sufficient confirmation to the possessor and shall conclude the clayme and title of the pretender, and this act to extend to all such as have not presented their titles within five years since the sixth day of October, 1646; *always provided* that the lymitation of five years in this act expressed shall not barr orphants, nor women (*a*) under covert, nor persons out of the country, nor persons of unsound mind, but that the said orphants shall have five years after they be at age, women five years free from coverture, (*vizt.*) if she marry againe before her five years are expired, and her husband omitt to make clayme, his omission shalbe a good bar against him, but if the woman survive, shee shall have soe long time allowed her to clayme in as will make up the first tyme of her freedome five years; persons of

Edit. 1733 and 1752.

Purvis 55.

[See vol. 1, p 451.]

Suits for land to be commenced within 5 years, or the claimant forever barred.

Act to operate from 6th of October, 1646, Proviso, in favor of orphans femes covert, persons out of the country or of unsound mind.

Various Readings.

(*a*) 'Widows' in Purvis, 'women' in Northumberland Ms.

unsound minds five years after their recovery from their impotence, persons out of the country, five yeares after their arrivall in the country; *Provided* they come in within two years after the title to the land became due; in which times if they clayme not as aforesaid to be utterly barred for ever; for otherwise the expectation of heires out of England where there is none borne here, must in a short time leave the greatest part of the country unseated and unpeopled, noe man knowing how or of whome either to purchase or take lease.

ACT LXXIII.

Against fraudulent conveyances.

Edit. 1733 and 1752.

Purvis 56.
[See vol. 1, p. 248, 417, 472]
No estate in lands, goods, or cattle to pass, unless the conveyance be acknowledged in court, & registered within six months
Alienations otherwise made not valid, and property may be seized by creditors.
Nor shall such conveyance & acknowledgment be good against a creditor or former purchaser till 4 months after the acknowledt and recording

BEE it enacted and confirmed that noe person or persons whatsoever shall passe over by conveyance or otherwise any part of his estate whither lands, goods or cattle, whereby his creditors not having notice thereof might be defrauded of their just debts, unles such conveyances or other deeds be acknowledged before the governor and councell at the general court, or before the justices at the county courts, and there registered in a booke for the purpose within six months after such alienation, and whosoever shall make over or alienate any part of his estate otherwise then is here expressed the same shall not be accompted valid in law, nor shall it barr any creditor from (a) seizing the same by law for satisfaction of his debt, the property of the estate not being legally vested in any but the first vendour. *And it is further enacted* that any conveyance made and acknowledged, and recorded as aforesaid, shall not be held good in law against any creditor or former purchaser untill fower months after such acknowledgment made and recorded, in which time the creditor or former purchaser may shew for what cause the said conveyance is to be accompted fraudulent, but if none appeare within the said fower months after the first acknowledgment in court, then the sale shall for

Various Readings.

(a) 'By' in Purvis, 'from' in Northumberland MS.

ever after be good against all other claymers or pretenders whatever unles such as pretend to overthrow the first sellers titles whome only five years possession can barr, *Provided* that this act shall not extend to such persons who for satisfaction of just debts shall make a bill of sale of their estates, or any part thereof, and deliver it bona fide into the possession of the creditor, but that such act shalbe good and valid to all intents and purposes, this act being made only to prevent fraud and deceite.

Not to extend to bills of sale, bona fide made, and possession delivered, for securing creditors.

ACT LXXIV.

Quitt rents how to be paid.

WHEREAS his majestie hath by his commission appointed a treasurer to receive the quitt rents and other fees and proffitts due to his majesty, and the payment of quittrents being due in money which wee being destitute of coyne cannot procure, *Be it enacted* that those persons that cannot procure mony shall pay their said rents in tobacco at 2 pence per pound to such collector or collectors as by his majesty his treasurer shalbe appointed, and that the country paying the rents double the two next years shall be acquitted from all arrears by assent of the honorable Sir Wm. Berkeley who is authorised by the treasurer to make composition.

Edit. 1733 and 1752.
Purvis 57.
[See vol. 1, p 280 306-7 316 351.]
Quit-rents, at what rate payable in tobacco.

ACT LXXV.

Surveighors of Land.

BEE it enacted, that surveyors of land shall demand noe more than twenty pounds of tobacco for measuring one hundred acres of land if the parcell exceed five hundred acres, but if under to be allowed one hundred pounds of tobacco, and for the same deliver an exact plott of each parcell surveyed and measured; and if any surveyor upon reasonable demand shall refuse to measure the dividend for any person whatsoever for the consideration and satisfaction aforesaid, such surveyghor shall be lyable to the censure of the court in the county where he liveth, and if any surveyor shall be desired to goe further from his place of residence, then he can retorne in one day, the said sur-

Edit. 1733 and 1752.
Purvis 57.
[See vol. 1, p 335, 452.]
Surveyor's fees.

To deliver a plat of each survey.
Penalty for refusing to survey for the legal fees.
Allowance for every days absence from home.

His transportation by water to be provided by the person employing him.

veighor shall have the allowance of thirty pounds of tobacco per day for every days absence from his dwelling, and if his passage cannot be but by water, then such persons as shall imploy him shall provide for his transport out and home, *Provided* noe pay to be received before the plott delivered.

Edit. 1753 and 1752.
Purvis 58.
[See vol. 1, p 518.]

No plat to be delivered by a surveyor in less time than six months.
Land to be plainly mark'd and bounded.

ACT LXXVI.

Land to be plainly marked and bounded.

WHEREAS many contentious suites doe arise about titles to lands occasioned much through the fraudulent and underhandealing of surveyghors who frequently make sale of the surveighs by them made in the behalfe of one person to another, whereby oftentimes he that had the first and justest right is unjustly deprived of his due; for prevention whereof for the future. *Be it enacted* and ordeyned that noe surveyors of land shall give a plott of any land surveighed by him unto any other person whatsoever untill six months after such plott is drawne according to its surveigh and that all lands surveighed shalbe att the surveying thereof plainly marked and bounded for all persons to take notice off, that none may by the ignorance of the bounds intrench upon anothers right; and the person offending either in giving out surveighs contrary to this act, or not sufficient marking his bounds to forfeite five hundred pounds of tobacco for every hundred acres the surveigh shalbe given of, to the use of the county.

Edit. 1753 and 1752.
[Vol. 1, p 200, 243, 437.]
Purvis 58.
Fences to be 41-2 feet high: otherwise the owner of the land to have no redress for trespasses & liable to the owner of the

ACT LXXVII.

What fences shalbe sufficient.

BEE it also enacted and confirmed by this present grand assembly that every planter shall make a sufficient fence about his cleared ground at least fower foote and an halfe high, which if he shall be deficient in, what trespasse or damage soever he shall susteyne by hoggs, goats or cattle shalbe his owne loss and detriment, and also if it shall happen that any person shall hunt any of the said horses, mares, hoggs, goates or cattle that shall soe offend and doe them harme he shall

make satisfaction for any of them that shall be soe hurt to the owners of them to be recovered within any court of justice within the colony. *It is further enacted* that where any mares, cattle, or hoggs endamage any person for want of such fence as aforesaid, and the party damnified doe willingly kill or otherwise hurt soe as the cattle, hoggs, horses or mares doe dye of such hurt, whither by doggs sett upon them or otherwise, in such case the owner of the ground shall not only be lyable to satisfye the value of such horses, mares, hoggs or cattle but by vertue of this act be adjudged to satisfye double the value of such horses, mares, hoggs or cattle soe killed to the owners of them; *And further be it enacted* that where the fence shalbe adjudged sufficient (vizt.) fower foote and an halfe high, and close downe to the bottom that in case damage or trespasse be then done or committed to any person having such fences by either horses, mares hoggs, goats or any other cattle whatsoever the owners of such horses, cattle, mares, &c. shalbe lyable to make satisfaction for their trespasse and damage to the person injured in case the fence be found by two honest men appointed by the next commissioner to be sufficient.

beasts for injuring them; and for killing them to pay double the value.

If the fence be sufficient, the owner of the land to have satisfaction for the trespass.

How fences to be viewed.

ACT LXXVIII.

Bounds of lands to be every fower years renewed by the view of the neighbours.

Edit. 1733 and 1752.

WHEREAS many contentious suites are dayly incited and stirred up about the bounds of land for which noe remedy hath yett bin provided, the fifti seaventh act prohibiting resurveighs not applying the expected remedies, for if the surveighs be just yet the surveighors being for the most part careles of seeing the trees marked, or the owners never renewing them, in a small time the chopps being growne up, or the trees fallen, the bounds become as uncertaine as at first, and upon a new surveigh the least variation of a compasse alters the scituation of a whole neighbourhood and deprives many persons of houses, orchards and all to their infinite losse and trouble; for prevention where-

Purvis 59. Preamble.

Processioning
of lands when
to commence.

To be renewed
every four
years.

Bounds, once
settld by con-
sent of propri-
etors forever
conclusive.

Two honest &
able surveyors
to settle dis-
putes, in pre-
sence of the
neighbourhd.

County courts
to direct the
vestries to lay
off their pa-
rishes into pre-
cincts, for the
purpose of pro-
cessioning.
Within what
period.
Pen'ty on c'ts
for neglect.
On procession-
ers and pro-
prieters of
land.

of, *Be it enacted* that within twelve months after this act, all the inhabitants of every neck and tract of land adjoining shall goe in procession and see the marked trees of every mans land in those precincts to be renewed, and the same course to be taken once every fower years, by which meanes the inconvenience of clandestine surveigh will be taken away, and the bounds wilbe soe generally known and the marks soe fresh that noe alteration can be made afterwards. *And be it further enacted* that the bounds by the consent of the present proprietors being once thus settled shall conclude the said proprietors, and all others clayming from or under them, from any future alterations of their bounds, be there within the said bounds more or lesse land than they pretend to : And if it shall happen any difference to be at present that cannot be by the neighbors themselves decided, *Be it further enacted* that two honest and able surveyors shall in presence of the neighbour-hood lay out the land in controversie, and the bounds then laid out to be the certaine bounds, and ever after to be renewed and continue soe, but the person causing the difference to pay the charge of the survey, it tending much more to the preservation of ffriendshipp among neighbors to have a present and ffinall decision of their differences, while men yet live that are acquainted with the first surveys, and while land is yet at a low value, then it will be when time hath rooted out all knowledge to the bounds and added a greater value to the land. *Be it enacted further* that each county court shall appoint and order the vestrys of each parish to devide the parishes into soe many precincts as they shall think necessary for the neighbors to joyne and see each others markes renewed, and to appoint certaine dayes betweene Easter and Whitsunday to goe the said processions and put this act in effectuall execution, and in case the court shall omitt to make such orders and to send the same to the severall vestryes of the parishes in their counties, they shalbe fined ten thousand pounds of tobacco, and the vestry failing in ordering the precincts and the persons to goe together shall be fined twelve hundred pounds of tobacco and the persons fayling to goe upon the day appointed, or to renew his marke accordingly shall for his neglect be fined three hundred and fifty pounds of tobacco.

ACT LXXIX.

Surveyors for highways.

WHEREAS through the frequent alterations of the highwayes by falling of trees over them, and many times taking them into fenced plantations to the greate hindrance of travellers and traders: *Be it therefore enacted* that the justices doe yearely in October court appoint surveyors of the highwayes who shall first lay out the most convenient wayes to the church, to the court, to James Towne, and from county to county, and make the said wayes forty foote broad, and make bridges where there is occasion, and the wayes being once thus layed out, and the bridges made they shall cause the said wayes to be kept cleere from loggs, and the bridges in good repaire that all his majesties subjects may have free and safe passage about their occasions; and to effect the same, the vestryes of every parish are upon the desires of the surveyors hereby enjoyned and impowred to order the parishoners every one according to the number of tithables he hath in his family, to send men upon the dayes by the surveighors appointed to helpe them in cleering the wayes, and making or repairing the bridges according to the intent and purpose of this act, and if any court shall omitt the appointing surveyors, or they neglect the executing their office, or the vestry to order the worke, or any person to send helpe according to the said vestryes order, the said court, surveighor, vestry or person, shalbe amerced five hundred pounds of tobacco to the use of the county. And if any person shall contrary to this act fall trees upon the highwayes and not cleere the same, or inclose any parte of the said highwayes within any fence, the grand jury shall present the same as a comon nuisance, and the inclosure shalbe thrown open, and the offender be fined one thousand pounds of tobacco to the use of the county; and if any countyes have creeke or swampe, lymitting the bounds betweene the said counties, It is enacted that both county's bounding upon such passage shall contribute to the making of the bridge or the way over itt.

Edit. 1733 and 1752.

Purvis 61.

(See vol. 1, p. 436.)

Surveyors of highwayes to be appointed annually.

Where & how to lay out roads & make bridges & keep them in repair.

Vestries to order out laborers in proportion to the tithables.

Pen'ty on cts. for neglect in appoint'g surveyors, and on surveyors for negl. of duty.

Persons fall'g trees on the highway or inclosing it with a fence, to be presented by the grand jury as for a com'n nuisance; the nus'ce abated and the offender fined.

Where a cr'k swamp the dividing line between 2 counties, both to contribute towards bridges over them.

ACT LXXX.

Tobaccoe when to be demanded.

Edit. 1733 and
1752.

Purvis 62.
(See vol. I, p.
489.)

Preamble.

Cr's not de-
manding their
tobacco debts,
between the
10th of Octo.
& last of Jan.
shall not sue
for pres't pay-
ment, but exe-
cution shall
issue against
the *person* of
the debtor on-
ly, who may
relieve hims'f
by giving sec'
ty to pay next
crop; Provid-
ed, that the
creditor may
sue his debtor
for security.

WHEREAS severall creditors for severall by res-
pects (a) neglect the demanding the tobacco due to
them in due time, by that meanes inforceing the debtor
to inconveniences both of not disposing of his tobac-
co, and yet not paying his debts to the greate damage
and prejudice of the said debtor. *Bee it therefore
enacted* that every person or persons not demanding
his or their debts betweene the tenth of October and
the last of January shall not sue or implead any per-
son or persons indebted to him or them for present
payment, but it shalbe lawfull for any person owing
tobacco to dispose of the same for his owne use after
the said last of January, if it have not beene demanded
according to the tenor of this act, and noe execution to
issue for a tobacco debt but against the person who
shall have liberty to free himselfe by putting in securi-
ty to pay the debt the following crop, *Provided alwayes*
that it shalbe lawfull for the creditor to sue or implead
his debtor for security for his debt against the next
yeare, any thing in this act to the contrary notwith-
standing.

ACT LXXXI.

Judgments and specialties how long pleudable.

Edit. 1733 and
1752.

Purvis 62.
[See vol. I, p.
390, 483-4 and
ante pa. 22.]

No bills or
bonds recover-
able after five
years.

WHEREAS the nature of our trade in Virginia
inforceth us to ingage by bills, bonds and other
writings for discharge of which in parte or in whole
the debtor is often constrayned to accept of receipts,
the said bills, bonds, judgments and other writings re-
mayning still in the hands of the creditor and the re-
ceipts being oftentimes lost the debtor and espetically
the executors and administrators of a person deceased,
not being able to prove payment, these debts are fre-
quently demanded and unjustly recovered, which be-
fore had bin justly paid and discharged; for remedy

Various Readings.

(a) The term 'by respects,' in our ancient laws means 'private
interest,' 'private advantage.'

whereof, *Be it enacted* that noe bills or bonds be of force or recoverable five years after the date of the said bills or bonds, nor any bills or bonds heretofore made five years after the date of this act; as also that noe judgment shalbe of force seven yeares after the grant thereof, or after the date of this act as aforesaid; but if the debtor shall departe the country and leave noe attorney to answer for him, or any other way conceale or privily remove himselfe into any parte of the country, and by that meanes render the renewing the bill impossible, such time of his abcence or concealment shall not be accepted any parte of the five or seven yeares lymitted.

No judgments after 7 years. Dr. departing the country or concealing or privately removing himself, the limitation not to run.

ACT LXXXII.

Attorneys for business out of England.

WHEREAS many persons in this country entertayne as attorneys many troublesome businesses out of England and other places where justly there is noe occasion for such molestation, and yett the parties molested are left destitute of releife by reason the said disturbers have noe estate in this country to satisfye damages they are condemned in, *Be it therefore enacted* that noe attorney by any power out of England or elsewhere shall sue or implead any person of this colony without giving first good security that he the said attorney shall pay all such costs and damages as the court shall award against him where the law shall find that he the said attorney, hath by that power unjustly molested the defendant.

Edit. 1733 and 1752. Purvis 63. [See vol. 1. p 522.] Preamble.

Security for costs to be given by non-resident plffs.

ACT LXXXIII.

Burgesses.

WHEREAS noe provision hath bin made for the certaine conveyance of publike writts for the election of burgesses, whereby the delivery of the said writts being retarded, and the sherriffe hath noe time to give notice to the people according to law, nor make a timely retorne of the writts nor can the burgesses appeare at the dayes, ffor remedy whereof, *be it enacted by this present grand assembly* that the secretary pro-

Edit. 1733 and 1752. Purvis 63. [See ant p 22]

Sec'y to send writts for election of burgesses.

His allowance
viz. a hhd. of
tobac. weigh'g
350 for each
county.

Writs, when
to be signed.

vide for the timely conveyance of the writts into every county to be delivered to the sherriffe thereof, and for his paynes to be paid one hogshhead of tobacco weighing three hundred and ffifty pounds for every county, and in case any neglect be proved against him that he be fined for such neglect at the discretion of the assembly: *always, provided* he hath the writts signed fforty days before the day of the retorne.

ACT LXXXIV.

Burgesses asserted.

Edit. 1733 and
1752.

Purvis 64.

[See vol. 1, p
399.]

Num. of bur-
gesses to a
county limited
to two.

(Ante p 20)

Js Cit. to elect
one, & every
co'ty that will
lay out 100 ac-
res of land &
people it with
100 tithables
entitled to the
same privi-
lege.

WHEREAS the charge of assemblies is much augmented by the greate number of burgesses unnecessarily chosen by severall parishes, *Be it enacted* that hereafter noe county shall send above two burgesses who shalbe elected at those places in each county, where the county courts are usually kept; *provided* always that James Citty, being the metropolis of the country shall have the priviledge to elect a burgesse for themselves, and every county that will lay out one hundred acres of land, and people it with one hundred tithable persons, that place shall enjoy the like priviledge.

ACT LXXXV.

Burgesses charges assertayned.

Edit 1733 and
1752.

Purvis 64.

(See an. p 23)

Preamble.

WHEREAS the immoderate expences of the burgesses causing diverse heart burnings betweene them and the people occasioned an injunction to make agreement for the allowance before the election which may hereafter probably induce interested persons to purchase votes by offering to serve at low rates, by which meanes the candour and freedome which should be in the choice of persons credited with soe honorable and greate a trust might be very much prejudiced and that place itselfe become mercenary and contemptable, *Be it therefore enacted* that the maintenance of every burgesse shalbe one hundred and ffifty pounds of tobacco and caske per day, besides the necessary charge of goeing to the assembly and returning.

Wages of bur-
gesses.

ACT LXXXVI.

Burgesses to appeare upon the day.

WHEREAS many inconveniencies happen by the not appearing of burgesses upon the precise day of the retorne of the writt as leaving the buisines of greatest importance, the prudent choise of a speaker to a small party that first appeares, upon which diverse animosities may arise in some that dislike the election, to the greate detriment of the publique affaires, which by this meanes are retarded, and the charge of those counties whose burgesses first appeare increased; *Bee it therefore enacted* that what burgesses soever shall fayle in making his appearance and attending the assembly precisely upon the day of the retorne of the writt shalbe fined for every days absence after itt three hundred pounds of tobacco to be disposed of by the assembly unles he be obstructed by some such impedement as the house shall judge might be a lawfull and reasonable cause to hinder his comeing.

Edit. 1733 and 1752.
Purvis 65.
Preamble.

Pen'ty on bur-gesses for not appearing on the day of the retorn of the writ.

How excused

ACT LXXXVII.

Burgesses not to be arrested.

FOR the despatch and reputation of the publique buisnesse, *Bee itt enacted* that none of the burgesses of any assembly nor any of their attendance shalbe arrested from the time of their election, untill ten days after the desolution of the assembly wherein he serves as a burgesse, *Provided* that if the assembly be adjourned for above a month the severall burgesses shall ten days after that session be lyable to arrests and other processes, and if in the intervall of sessions they be arrested and prosecuted to execution and that served the execution shalbe suspended ten days before the next session of that assembly, and continue soe untill ten days after itt, at which tyme the priviledge of a burgesse doth cease and determine.

Edit 1733 and 1752.

Purvis 65.
[See vol. I, index tit 'Burgesses.']
Burg'ses how long privil'g'd from arrests.

Ex'on against, when suspended.

ACT LXXXVIII.

Edit. 1733 and
1752.

Purvis 66

[See vol. I, p.
264 447.]

No order of
court or pro-
clamation to
contravene a
law.

Noe order to contradict an act.

BEE it enacted and confirmed that noe act of court or proclamation shall upon any pretence whatsoever enjohne obedience thereunto contrary to any act of assembly untill the reversall of that act by a succeed-assembly.

ACT LXXXIX.

Edit. 1733 and
1752.

Purvis 66.

Preamble.

Assemblies to inquire into the breach of lawes.

The 1st day of
every assem-
bly to be devo-
ted to the re-
ceiving of pre-
sentments of
grand juries &
enquiring into
the execution
of the laws.

WHEREAS severall lawes have bin by diverse assemblies made for the good of this country which for want of due observation have not produced those desired effects, and whereas it is by this assembly enacted that the grand jury, of inquests should twice annually make presentment of the breach of all penall lawes, and that the assembly should dispose of the fine levyed upon the several offenders for the use of those counties wherein they accrewed due, *Bee it enacted* that for the future the first day of every succeeding assembly, shalbe employed in receiving the said presentments of the grand jury, and inquire into the remisnesse of juries and courts and how the lawes have bin put in execution, and disposing the fines, that by that meanes the lawes may be restored to their due vigour and offenders be deterred from neglect and contempt when they shall find a severe accompt of their observations is soe diligently enquired into.

ACT XC.

Edit. 1733 and
1752.

Purvis 67.

[See vol. I, p.
436.]

Public letters
to be convey'd
from plantati-
on to plantati-
on.

Publique letters how to be conveyed.

WHEREAS the remotenesse of diverse places in the country from James City and the necessity of communicating diverse businesses to the utmost lymitts of itt, would (if messengers were purposely prest) put the country to an annual greate expense for prevention whereof, *Be it enacted* that all letters subscribed for the service of his majesty or publique shall be imediately conveyed from plantation to plan-

tation to the place and person they are directed to, under the penalty of three hundred and fifty pounds of tobacco to each defaulter, and if any person be put thereby to any extraordinary charge. the court of each county is hereby authorised to judge thereof, and to levy payment for the same, the superscription being signed by the governor, some one of the councell, or a justice in *quorum*, or the colonel, lieutenant colonel, or the major of a regiment; and where there is any person in the family where the said letters come, as can write, such person is required to endorse the day and howere he received them, that the neglect or contempt of any person stopping them, may be the better knowne and punished accordingly.

Pen'ty for neglect,
Extraordinary expenses to be defrayed by the counties.
By whom superscription to be signed.
Time of receiving them in each family to be indorsed if any of the members can write.

ACT XCI.

Divulgers of false news.

WHEREAS many idle and busy headed people doe forge and divulge false rumors and reports to the greate disturbance of the peace and quiett of his majesties leige persons in this colony, *Be it enacted* that what person or persons soever shall forge and divulge any such false reports tending to the trouble of the country shalbe by the next justice of the peace sent for, and bound over to the next county court, where if he produce not his author, he shalbe fined two thousand pounds of tobacco (or less) if the court thinks fitt to lessen itt, and besides give bond for his behavior if it appeares to the court that he did maliciously publish it or invent itt.

Pur. 67 and
Ed. 1733 1752
and 1769.

[See vol. 1, p
434.]

Divulgers of false reports, to the trouble of the country to be fined not exceed'g 2000 lb of tobacco and bound to good behavior

ACT XCII.

Chirurgions accounts regulated.

WHEREAS the excessive and immoderate prices exacted by diverse avaritious and gripeing practitioners in phisick and chirurgery hath caused several hardhearted masters swayed by profitable rather then charitable respects, rather to expose a sick servant to a hazard of recovery, than put themselves to the certaine charge of a rigorous though unskilfull phi-

Edit 1733 and
1752

Purvis 68.

[See vol 1, p
316 450]

Physicians & surgeons, how compelled to declare on oath the value of their drugs & medicines

Court may allow 50 p cent. advance.

Pen'ty ou physicians & surgeons for neglect of their patients.

sician, whose demands for the most part exceed the purchase of the patient, many other poore people also being forced to give themselves over to a lingring disease, rather then ruine themselves by endeavouring to procure an uncertaine remedy, for redrese thereof for the future, *Be it enacted* that it shalbe lawfull for any person or persons conceiving the accompt of the phisitian or chirurghion unreasonable to arrest the said phisitian or chirurghion to the generall or county court where the said phisitian or chirurghion shall declare upon his oath the true value, cost, and quantity of the drugs administred, for which the court shall grant order against the plaintiff with fifty per cent advance, and such consideration for his care, visitts and attendance as they shall judge he hath deserved, and if it shall appeare by evidence that the said phisitian or chirurghion hath neglected his patient while he was under cure, the court shall censure him to pay soe much as they in their discretion shall think reasonable.

ACT XCIII.

Edit. 1753 and 1752.
Purvis 69.
(See an. p 29)

Chirurgions accounts pleadable after decease of the party.

Physicians & surgeons' accounts, how & when recoverable of deceas'ds estates.

WHEREAS by act of many assemblies noe accounts are pleadable against dead mens estates, whereby many scruples have bin made about the accounts of phisitians and chirurghions who cannot possibly take bill, *Be it therefore enacted* that phisitians and chirurghions accounts shalbe pleadable and recoverable for meanes administered and paines taken in the ffitt of sicknes wherēof the patient dyes, and where the patient recovers six months after such recovery and noe longer.

ACT XCIV.

Edit. 1753 and 1752.
Purvis 69
[See vol. 1, p 296 314 449.]
Disc'ts & set-offs, how allowed in court.

Discounts to be made in courts.

BEE it enacted for the avoyding many causelesse suites in law that where any suite shalbe commended in any court for a debt, that if the defendant have either bill, bond or accompt of the plaintiffs,

wherein he proves the plaintiff debtor such debt of the plaintiffs shalbe discounted out of the debt he claymeth of the defendant, and judgment shalbe given for noe more than the ballance of the debt will amount to, consideration being always made of the times their severall debts have bin due, and accordingly allowance made for the time; and because it many times happens that the defendants in such cases doe procure bill or accounts of the plaintiffs from other men, when perhaps he can discount with those to whome he passed such spetialty or accompt, *It is therefore enacted* that noe bill or accompt being assigned over shall by the assignee be pleadable against the debtors in such bill or accompt unless the assignee can prove. that he gave the debtor notice before his acceptance of the assignment and that the debtor at the time pretended to noe discount against itt.

Defendant not to procure an assignment of a bill or acc't of the pltf. so as to set it off, without notice to the pltf.

ACT XCV.

Accounts against dead mens estates.

WHEREAS too sad experience hath shewed that accounts against the estates of persons deceased have often unjustly devoured the estates, and brought their wives and children to poverty and ruine; and whereas as well the laws of England as of this country permit not any thing to be pleadable against any person that cannot wage his law which executors and administrators are utterly incapable of, *Bee it therefore enacted* that noe booke debts or accompts shalbe henceforth pleadable, in any court of justice in this country, against a dead mans estate, nor yet against any liveing *unless the said accompt by subscription or spetialty under the hand of the debtor be acknowledged and proved, nor shall accompts be pleadable against any person though liveing,* if the said person shall upon his oath deny the same to be due, unless they be such accompts as by particular acts of assembly, as offi-

Edit. 1733 and 1752.

Purvis 70.
[See vol. 1, p. 301-2, 485-6]

No open acc'ts recoverable against a dead man's estate. Nor against a person living, if the dr. denies the acc't upon oath. Except offi'r's fees, levies, & surgeons' accounts.

Various Readings.

The lines between the two asterisks *—*, from the word 'unless' to the word 'liveing' inclusive, omitted in Purvis, but they are inserted in Northumberland MS.

Debts due ordinary keepers, how authenticated.

cers fees, levyes, chirurgions accompts are pleadable; neither shall any man bee putt to his oath upon an ordinary keepers accompt, but the said ordinary keeper shall take the hand of any person (calling for any drink or provision) to his booke or else his bill, or otherwise his debt shall not be pleadable.

ACT XCVI.

Ballancing accounts of deceased persons.

Edit. 1723 and 1752.
Purvis 70.
Preamble.

AND whereas diverse men being indebted to others upon accompt may be induced to deliver goods to them or their assignes in ballance yet take noe receipt, which accompt upon the death of either party may be brought by his executors or administrators against the survivor, of which he cannot upon oath deny the receipt, yet that accompt though justly balanced before, is often recovered by this act prohibiting accompts against dead mens estates, yet leaving liberty to their executors or administrators to sue for any accompt due to the estate of the person deceased, *Bee it therefore enacted* that accompts against dead mens estates being sufficiently proved shalbe admitted in discount of an accompt due to such dead mans estate, but if the accompt brought against the estate exceed that due to the estate, the survivor for the overplus shalbe dismissed without day; *Provided* also that where the party charged as debtor to any one shall refuse upon his oath to deny the accompt brought against him (except an ordinary keeper, which it is impossible to keep in memory, or any part thereof,) the court shall take the accompt to be due as by confession and shall give judgment for soe much thereof as he shall not deny as aforesaid.

Acc'ts against dead mens' estates, to be admit'd in discount as far as to balance the acc't claimed by the ex'or or adm'or of the decedant. If a debtor refuse to deny an acc't upon oath, (except an ordinary-keeper's) the court shall give judgment as upon confession. [See vol. 1. p. 486.]

ACT XCVII.

Ordinary keepers how to sell.

Edit. 1733 and 1752.
Purvis 71
See vol. 1, index tit. 'Ordinarys.'

WHEREAS continual complaints are made of the exactyon of ordinary keepers and others in the rates and measures of strong drinke by them retayled

and sold, *Be it enacted* that noe person after the first of March 1663 shall sell or vend by retayle any wine, beere or other strong drinke of what sort soever by any measures but English sealed measures of pints, quarts, pottles, or gallons, and that every one that now doth or hereafter shall keep any ordinary shall by the said first of March 1663 provide such measures to sell by in his house ; and in case he faile to be put downe from keeping any ordinary. and fined five thousand pounds of tobacco to the use of the publique, *Provided always* that it shalbe lawfull for them to sell strong waters coming over in cases by the bottle in the same bottles they bought them.

ffor preventing many disorders and riotts in ordinaries and other places where drinke is retayled ; *Be it enacted* that noe person or persons whatsoever shall in their houses retayle any drinke but such as shall obtayne a lycence from the commissioners of the county where he lives, signed by the first in commission of the court, by givinge bond according to the lawes of England, and further obliging himselfe to sell at the rates sett by the commissioners and to pay annually to the use of the governor three hundred and fifty pounds of tobacco and caske for his lycence.

Ordinary-keepers to sell by Eng. measure.

Penalty.

Exception.

None to retaii drink without a license
To sell at rates fixed by commissioners.
License, how obtained.

ACT XCVIII.

Servants how long to serve.

WHEREAS the 13th act 1659 doth enact that all persons brought as servants into this country, of what christian nation soever they be, should serve noe longer than our owne nation, which is five yeares, if above sixteene yeares of age, if under, untill one and twenty, as by the 30th act of the said assembly appeares, and in regard the said 13th act doth contrary to law looke backward and sett free severall servants aliens purchased upon a former act of assembly made the 4th of 1654, *Be it therefore enacted* that all aliens and others coming in while that act and the others in force shall serve according to those acts, and that for the future all the aforesaid acts shalbe repealed, and all servants hereafter coming in without indentures shall serve five years if above sixteen yeares

Edit 1783 and 1752.

Purvis 72.

[See vol. 1, index tit ' Servants.]

Servants heretofore bro't in to serve according to the laws then in force.

All servants hereafter br't in, without indentures, to serve 5 years, if above 16 yrs of age ; and if under till they are 24.

of age and all under that age shall serve until they be fower and twenty yeares old, that being the time ly-mitted by the laws of England, and that the severall courts at the request of the master make inspection and judge of their ages.

ACT XCIX.

Against secrett marriage.

Edit. 1733 and
1752.

Purvis 72.
(See vol. 1, p.
252 438.)

Penalty on mi-
nisters for
marrying ser-
vants without
a certificate
from their
masters.

On the serv'ts.

On free person
marrying with
a servant.

WHEREAS much losse and detriment doth arise to diverse masters of ffamilies by the secrett marriage of servants, the said servants through that occasion neglecting their works and often perloyning their masters goods and provisions, *Be it therefore enacted* that noe minister either publish the banns or celebrate the contract of marriage betweene any servants unles he have from both their masters a certificate that it is done with their consent, and the minister doing otherwise shalbe fined ten thousand pounds of tobacco, and the said servants both man and woman that shall by any indirect meanes procure themselves to be marryed without consent of his and her master, shall for such their offence each of them serve their respective masters one whole yeare after their tyme of service by indenture is expired, and if any person being free shall clandestinely marry with a servant as aforesaid, hee or shee soe marrying shall pay to the master of the servant ffifteen hundred pounds of tobacco or a yeares service, and the servant soe being marryed shall abide with his or her master, the time by indenture or custome and a yeare after as aforesaid.

ACT C.

Against ffornication.

Edit. 1733 and
1752

Purvis 73.
[See vol. 1, p.
433. 438.]
Fornication,
how punis'ble

FOR restraint of the filthy sin of ffornication, *Be it enacted* that what man or woman soever shall commit ffornication, he and she soe offending, upon prooffe thereof by confession or evidence shall pay each

of them five hundred pounds of tobacco fine, (a) to the use of the parish or parishes they dwell in, and be bound to their good behavior, and be imprisoned untill they find security to be bound with them, and if they or either of them committing ffornication as aforesaid be servants then the master of such servant soe offending shall pay the said five hundred pounds of tobacco as aforesaid to the use of the parish aforesaid, for which the said servant shall serve half a yeare after the time by indenture or custome is expired; and if the master shall refuse to pay the ffine then the servant to be whipped; and if it happen a bastard child to be gotten in such ffornication then the woman if a servant in regard of the losse and trouble her master doth sustaine by her haveing a bastard shall serve two yeares after her time by indenture is expired or pay two thousand pounds of tobacco to her master besides the ffine or punishment for committing the offence and the reputed ffather to put in security to keep the child and save the parish harmelesse.

In servants:

Bastards, how provided for.

ACT CL.

Hired Servants.

Edit. 1733 and 1752.

WHEREAS diverse persons that by indenture custome or after contracts for wages being servants to severall men, doe many times run away to plantations farre remote, and thereby being unkuowne procure entertainment with others for wages or shares to the greate damage and sometime undoeing of their true masters and also of those that ignorantly entertaine them by paying the fine; fför prevention whereof for the future, and for the better discovery of such run-aways, *Bee it enacted* that all servants at the expiration of their time shall with their master or a sufficient testimoniall from him goe to the court in that county where he served and there enter his ffreedom and take certificate thereof from the clerke of the said court, which certificate shalbe sufficient warrant for any per-

Purvis 74.
[See vo 1, ind.
tit. 'Servants.'

Servants, on the expiration of their time, how to obtain a certificate of freedom.

Various Readings.

(a) 'Five' in Purvis. 'fine' in Northumberland MS

Penity for hiring with such certificate.

On servant for stealing one or stealing his own deposited with his 2nd master.

On freemen hiring themselves and not performing the contract.

How certificates may be renew'd when worn out.

son to entertaine him into his service, and whoever after his first time by indenture expired, and certificate thereof taken out as aforesaid shall againe upon any termes become servant to another the master then hiring the said servant shall take his certificate of freedome and keep it untill the time contracted for be expired, and whoever shall entertaine or harbour any servant or hired freeman running away from his master's service, and not having certificate as aforesaid shall pay to the master of the said servant thirty pounds of tobacco per day and night for all the time they shall harbour or entertain them, *provided* that if such runaway servant shall forge a certificate or steale his true one from the master he is hired to, and by that meanes procure himselfe entertainment, the person entertaining him shalbe free from the fine, but the servant stealing or forging the certificate shalbe punished for his forgery by standing in the pillory two howers upon a court day; and if any person coming free into the country shalby any contract agree with any person, and before the time agreed for be accomplished shall depart to another, hee shall performe the tenor of his contract first made, and pay the apparent damage that shall arise by his breach of covenants, and shall after that satisfied, be lyable to the payment of what damages any other contractor with him shall recover of him by law, and in regard the certificates of freedome may be worne out and lost, and by those meanes new ones be required, *it is further enacted* that every clerke upon such pretence granting a new certificate shall mention in that the losse of the first, and that for that cause this second was issued.

ACT CII.

Run-aways.

Edif. 1733 and 1752.

Purvis 76.

[See vo. I. ind. 6. 'Runaways']

Servants running away, to serve double the time lost

WHEREAS there are diverse loytering runaways in this country who very often absent themselves from their masters service and sometimes in a long time cannot be found, that losse of the time and the charge in the seeking them often exceeding the value of their labor: *Bee it therefore enacted* that all runaways that shall absent themselves from their said mas-

ters service, shalbe lyable to make satisfaction by service after the times by custome or indenture is expired (vizt.) double their times of service soe neglected, and if the time of their running away was in the crop or the charge of recovering them extraordinary the court shall lymitt a longer time of service proportionable to the damage the master shall make appeare he hath susteyned, and because the adjudging the time they should serve is often referred untill the time by indenture is expired, when the prooffe of what is due is very uncertaine, *it is enacted* that the master of any runaway that intends to take the benefitt of this act, shall as soone as he hath recovered him carry him to the next commissioner and there declare and prove the time of his absence, and the charge he hath bin at in his recovery, which commissioner thereupon shall grant his certificate, and the court on that certificate passe judgment for the time he shall serve for his absence; and in case any English servant shall run away in company of any negroes who are incapable of making satisfaction by addition of a time, *it is enacted* that the English soe running away in the company with them shall at the time of service to their owne masters expired, serve the masters of the said negroes for their absence soe long as they should have done by this act if they had not bene slaves, every christian in company serving his proportion; and if the negroes be lost or dye in such time of their being run away, the christian servants in company with them shall by proportion among them, either pay fower thousand five hundred pounds of tobacco and caske or fower yeares service for every negroe soe lost or dead.

And for run'g away during the crop, or extraordinary charge, in apprehending them, to serve still longer

When & how the additional time ad'judg'd

Pen'ty on English servants running away with negroes. [See an. p. 26]

Further pen'ty if the negroes be lost or die.

ACT III.

Cruelty of masters prohibited.

WHEREAS the barbarous usuage of some servants by cruell masters bring soe much scandall and infamy to the country in generall, that people who would willingly adventure themselves hither, are through feare thereof diverted, and by that meanes the supplies of particuler men and the well seating his majesties country very much obstructed, *Be it therefore enacted*

Edit. 1733 and 1752. Purvis 76. [See vol. 1, p. 255, 440.]

Serv'ts to have
compet't food
& raiment, &
not immoder-
ately correct-
ed.

Complaining
of ill usage or
want of food
or raiment,
how redressed.

Notice to mas-
ters.

Power of c'ts.

that every master shall provide for his servants com-
petent dyett, clothing and lodging, and that he shall not
exceed the bounds of moderation in correcting them
beyond the merit of their offences; and that it shalbe
lawfull for any servant giving notice to their masters
(haveing just cause of complaint against them) for
harsh and bad usage, or else for want of dyett or con-
venient necessaries to repaire to the next commission-
er to make his or their complaint, and if the said com-
missioner shall find by just proofes that the said ser-
vants cause of complaint is just the said commissioner
is hereby required to give order for the warning of
such master to the next county court where the mat-
ter in difference shalbe determined, and the servant
have remedy for his grievances.

ACT CIV.

Against unruly servants.

Edit. 1733 and
1752.

Purvis 77
[See vol. 1, p.
533.]
Preamble.

Pen'ty on ser-
vants for lay'g
violent hands
on their mas-
ters, mistres-
es or overseer.

Servitude for
offences abol-
ished.
[See vol. 1, p.
259, 459.]

WHEREAS the audacious unrulines of many stub-
borne and incorrigible servants resisting their mas-
ters and overseers have brought many mischiefs and
losses to diverse inhabitants of this country, *Be it en-
acted and ordayned* that the servant that shall lay
violent hands on his or her master, mistress or over-
seer, and be convicted thereof by confession or evi-
dence of his fellow servants or otherwise before any
court in this country, the same court is hereby requir-
ed and authorized to order such servant or servants to
serve his or her said master or mistris or their assignes
one yeare after his or her time by custome indenture
or law is expired. *Be it enacted*, that noe person or
persons whatsoever for any offence committed shalbe
adjudged to serve the country as colony servants.

ACT CV.

Against trading with servants.

Edit. 1733 and
1752.

Purvis 77.
[See vol. 1, p.
274, 445.]

WHEREAS diverse ill disposed persons doe se-
cretly and covertly truck and trade with other mens
servants and apprentices who to the greate injury of
their masters are thereby induced and encouraged to

steale perloyne and imbezell their masters goods, *Bee it therefore enacted* that what person or persons soever shall buy, sell, trade or truck with any servant for any comodity whatsoever without lycense or consent of the said servants master, he or they soe offending against the premisses, shall suffer one months imprisonment without baile or mainprise, give bond with security for his good behaviour, and also forfeite to the master of the said servant fower times the value of the things soe bought, sold, trucked or traded for.

Penalty for dealing with servants without leave of their owners.

ACT CVI.

Noe tobacco to be planted after the tenth of July.

WHEREAS it hath bin taken into serious consideration that the improvement of our only comodity tobacco can noe ways be effected but by lessning the quantity and amending the quality, and further that all stints will prove cleerly inconsistant with the being of the country, while Maryland remains a distinct government, unles of such a nature as may produce both the aforesaid effects without abridgment of any mans endeavours or confining him to any sett number of plants, for which cause the assembly hath enacted that noe tobacco be planted after the tenth day of July, and that whosoever shall either directly or indirectly plant or replant or cause to be planted or replanted any tobacco after the said tenth day of July shall forfeite ten thousand pounds of tobacco to the use of the publique.

Edi. 1733 and 1752.
Purvis 78.
[See vol. I, p. 488.]

Penalty for planting or replant'g tobacco after 10th of July.

ACT CVII.

Noe seconds or slips.

AND be it further enacted that what person or persons soever shall tend or suffer or cause to be tended any second topps or slips shall forfeite ten thousand pounds of tobacco to the publique; *Bee it further enacted* that what person or persons soever shall save, pack or sell or send away any ground leaves which are hereby required to be totally suppress, shall

Edi. 1733 and 1752.
Purvis 78.
[See vol. I, p. 399, 478.]

Pen'ty for tending seconds.

On packing
ground-leaves
for sale.

Gr'd Juries to
present offend-
ers ag'ist this
act.

forfeit for every hogshead proved to have the quantity of five pounds of ground leaf tobacco in it, five thousand pounds of tobacco to the use of the publique. *And it is further enacted* that the grand jury shall take particular care of the observation of this act, and shall make due presentment to the county courts of any such as shall plant or tend any tobacco contrary to this act.

ACT CVIII.

Edd. 1733 and
1752.

Improvement of staple commodities.

Purvis 79.
[See vol. 1, p.
151, 469.]

Preamble.

Encouragem't
of staple com-
modities and
domestic ma-
nufactures.

Flax seed to
be imported &
distributed in
the several
counties.

Premiums for
spinning flax
and weaving
cloth.

WHEREAS the incertaine value of tobacco the un-staplenesse of the comodity & the probability of its planting in other places, threaten this comodity with the danger of an unavoidable ruyn, which must in time fall upon it by the increase of the makers of it amonge ourselves (who have already glutted all marketts that greate quantities are yearely left in the country, and that which is sent out sold at soe meane and inconsiderable a rate as neither merchant nor planter can well subsist by) unles some other course be speedily taken for improvement of such other comodities as the country will produce and making as many of them as we can into manufactures and giving encouragement unto all persons of what ability soever to attempt it, which the former acts for encouragement to make staple comodities have been defective in, by only proposing rewards to greate quantities of every comodity made, when whosoever goes about, must if he faile be ruined, or if he make the quantity proposed will have noe need of the gratuity, which is better to be suited proportionably to the meaneest quantity, *Be it therefore enacted* that the assembly this present yeare send into England for a considerable quantity of flax seed to be distributed into the several counties and delivered to certaine persons who may sell it out to severall inhabitants and the produce thereof to be paid the yeare following with the levye, and the country stock by that meanes be made good, and the several inhabitants be

enabled* according to the fiftyeth act of assembly 1661 to make their proportions of flax, and whoever will spin the flax and cause the yarne to be weaved into cloath of a yard wide, shall for every yard of cloath soe wove of yarne made of flax growing in the country have three pounds of tobacco, and for every yard of woollen cloath made of yarne here spun in the country, five pounds of tobacco, which upon the produce of a certificate from some justice of peace in the county that he hath seene the same in the loome, and that to his knowledge it was really made in the country as aforesaid shall upon produceing the same to the governor and councill be paid soe much in the publike levye in the same county where they dwell.

Also for woollen cloth made of yarne spun here.

ACT CIX.

Act for Mulberry trees.

WHEREAS by experience silke wilbe the most profitable comodity for the country if well managed, and whereas the greatest conducement thereunto required is provision of mulberry trees, *Bee it enacted and confirmed* by this present grand assembly that every proprietor of land within the collony of Virginia shall for every hundred acres of laud holden, in ffee, plant upon the said land ten Mulberry trees at twelve ffoote distance each from other, and secure them by weeding, and a sufficient fience from cattle, horses, &c. betweene this and the last of December 1663, and for every tree that shalbe wanting and untended in manner aforesaid of the said proportion at the said last of December 1663, he the said proprietor that shalbe soe delinquent shall pay twenty pounds of tobacco to the publike, *provided* that this act doe not extend to orphans untill the expiration of ffive yeares after their full age, and then if delinquent to be lyable as aforesaid, and noe man planting more then his number shall excuse any that hath planted lesse, *provided also* that

Edit. 1733 and 1752.

Purvis 80.

[See vol. I, p. 126, 420, 411 & 520.]

Ten mulberry trees to be planted for every 100 acres of land held in fee-simple, & sufficiently fenced & tended.

Penalty for neglect.

Not to extend to orphans till 5 yeares after full age

Various Readings.

* The words 'and the several inhabitants he enabled,' omitted in Purvis, but inserted in Northumberland MS.

Nor to proprietors not in actual possession.

Gr'd juries to present offenders.

Premium for making silk.

this act extend not to such proprietors as are not in actual possession, and because his majestie hath taken perticular notice of the greate folly and negligence of the country in omitting the propagation of soe noble and staple a comodity ; *it is enacted* that the grand jury doe strictly inquire into the breach of this act, and make presentment thereof that the offenders may accordingly be punished ; *And be it further enacted* that for the encouragement of all persons that shall endeavour to make silke, there shalbe allowed in the publique levy to any one for every pound of wound silke he shall make fifty pounds of tobacco to be raised in the publique levy and paid in the county or countyes where they dwell that make itt.

ACT CX.

Edit 1733 and 1752.

Purvis 81.
Premium for building vessels.

Encouragement to build vessels.

FOR encouragement of building vessels in this country and the promoting of trade : *Be it enacted* that whosoever shall build a vessell of any burthen decked and fitted to goe to sea, shall for every tunn burthen the said vessell shall containe, receive upon prooffe of her being soe built fifty pounds of tobacco out of the publique levy.

Encouragem't to Edm. Scarborough for erecting a salt work in Northampton county.
Advance of money.

Whereas Colonel Edmund Scarborough hath to his perticular charge but to the infinite good of the country erected a salt worke for which he hath received deserved thanks the last assembly, This assembly for his greater encouragement have thought fitt to grant him the use of the mony raised this yeare out of the two shillings per hogshead (*a*) in Northampton county with condition that he make repayment of the same to those the assembly shall allott it the next yeare in salt at two shillings six pence per bushell, and soap at

Price of salt.

Importation of salt into Northampton prohibited, under penalty.

And be it further enacted that after the first of September 1663, noe master of ship, barque or vessell or any person merchant or trader shall bring in any salt into the county of Northampton under the penalty of con-

Various Readings.

(*a*) 'Hundred' in Purvis, 'hogshead' in Northumberland MS.

fiscating his ship, barque or vessell, and goods to the end that he and others may be encouraged in their industrious endeavours to promote the good of the country.

ACT CXI.

Tanhouses to be erected.

BEE it also enacted that according to the fifth act of assembly 1660, there be erected in each county at the charge of the county one or more tanhouses, and they provide tanners, curriers and shoemakers, to tanne, curry and make the hides of the country into leather and shoes, and that the person intrusted with the oversight of the workmen, and managinge the trade doe allow to the inhabitants of the county for every dry hide they bring at the rate of two pound of tobacco per pound, and sell them shoos at thirty pounds of tobacco plaine shoos, and thirty five pounds of tobacco for wooden heels and french falls of the size largest sizes, and twenty pounds of tobacco per pair for the smaller shoos, and the county failing herein to be fined five thousand pounds of tobacco.

Edit. 1733 and 1752.

Purvis 81
Tan-houses, tanners, curriers and shoemakers to be provided in each county.

Price of hides

of shoes.

Penalty on counties for neglect.

ACT CXII.

Two acres of corne for each tythable.

BEE it hereby enacted that persons within this colony shall plant or tend for every tythable person tending a crop in their family two acres of corne or pulse under the penalty of five hundred pounds of tobacco for every acre neglected as aforesaid to be paid by the delinquent, and to be levyed by the sherriffe to the counties use, and the grand jury in their severall lymitts to look strictly after the breach of this act, and for encouragement for men to sowe English wheat which may be a staple commodity to vent out of the country; *It is further enacted* that the sowing of one acre of wheate shall excuse the planting of the two acres of Indian graine or other corne or pulse as this act enjoynes.

Edit. 1752.

Purvis 82 and edit 1733.

[See vol. I. index title 'corn'
Two acres of corn or pulse to be cultivated, for each tythable under a penalty.
Gr'd juries to present offenders.

Sowing of one acre of Engl'h wheat equivalent to plant'g 2 acres of Indian corn.

ACT CXIII.

Stray Horses, &c.

Edit. 1733 and
1752

Purvis 82.
[See vol. I, p.
420-1.]

Estray horses
& cattle, and
lost boats, to
be cried in ev-
ery church &
chappel in the
county, within
one month.

If no owner
appear, to ad-
vertise at the
county court.

Reward for
taking up.

FOR remedy of the great abuse and wrong done in taking up stray horses, cattle and boats lost, not only in concealing them, but in using and employing them to the hurt and damage of the owners. *Be it enacted by this present grand assembly* that every person or persons that shall take up and keep any stray horses, cattle or boates shall cause the said horses and cattle with the mark, stature and colour, and the said boat with her proportion and what was found in her to be cryed publickly in all the churches and chapples in the county within one month after the taking them up, and in the meane time securely to lay up the said boate, and if noe owner appeare upon this publique notice given them to publish the same and sett it up in writing at the next county court, where if noe owner appeare then it shalbe lawfull for him to make use of the said boate untill the owner doe appeare who shall allow him for his paines 100 pounds of tobacco.

ACT CXIV.

Free trade.

Edit. 1738 and
1752.

Purvis 83.
[See vol. I, p.
296, 463.]

Free trade al-
lowed to all
persons, and
all acts against
ingrossing re-
pealed

Not to author-
ise the trading
with Indians
for furs.

BEE it enacted that free trade be allowed to all the inhabitants of this country to buy and sell at their best advantage, and that all acts concerning ingrossing be from henceforth repealed and made voyd; *Provided* always that noe person or persons shall have any commerce or trade with any Indians for Beaver, Otter or any other flurres except those commissioned by the governor.

ACT CXV.

Exportation of hides.

Edit. 1733 and
1752.

Purvis 83.
[See vol. I. p.
174, 199, 307,
314, 488, 525.]

Exportation of
wool, hides &
iron prohib'd
under a pen-
alty

WHEREAS the exportation of hides, wool, and iron is generally conceived to be much prejudiciall to the comonwealth and good of this colony. *Be it therefore enacted* by the authority of this present grand assembly that what person or persons soever ex-

port out of this colony either wool, hides or iron shall for every of their offences in soe doing pay as followeth, (vizt.) for every hide soe exported the summe of one thousand pounds of tobacco, and for every pound of iron ten pounds of tobacco, and for every pound of wool fifty pounds of tobacco; the one halfe of which payments and forfeitures shalbe paid to the informer and the other halfe to the publike.

ACT CXVI.

Exportation of mony.

BEE it hereby enacted by this grand assembly that noe false mony shall passe for current in this country, but peeces of eight that are good and of silver, shall passe for five shillings current mony upon penalty of twenty shillings to be paid by the refusers of them; and that none shall export mony out of this colony above the sume of forty shillings, if any shall exceed the said summe to forfeite double thereof.

Edit. 1752.
Purvis 84 and
edit. 1733.
[See vol. 1, p.
493.]
Val. of pieces
of eight.
Penalty for ex-
porting above
the sum of 40
shillings in
money.

ACT CXVII.

Size of Virginia Hogsheads.

IT is enacted upon the complaint of diverse masters and merchants of ships against the incertainty and extraordinary size of caske, which hath bin very much prejudicial to them, that a certaine size of all tobacco caske of Virginia hogsheads shalbe as followeth, (vizt.) forty three inches in length and the head twenty six inches wide, with the bulge proportionable; and whoever shall make caske of a greater size shall pay upon prooffe made to any court (if he be a freeman otherwise his master or nistris that employs him) three thousand pounds of tobacco, the one halfe to the informer, the other halfe to the county where the caske is made; and if any caske shalbe made of timber not seasoned, then such caske to be burnt.

Edit. 1733 and
1752.
Purvis 85.
[See vol 1, p.
435, 456.]
Size of tobac.
Hhds. 43 inc.
long & 26 inc.
wide at the
head.
Penalty for ex-
ceeding that
size, or mak'g
hlds. of un-
seasoned tim-
ber.

ACT CXVIII.

Against private taking away of Boates.

Edit. 1733 and
1752.

Purvis 85.

[See vol. 1, p.
170, 264, 460.]

Pen'ty for pri-
vately taking
away boats &
canoes.

FORASMUCH as diverse persons suffer greate damage by private and concealing and taking away of boates and cannoos without lycense from the owners thereof, *It is enacted and confirmed by the authority aforesaid* that the commissioners of each county court shalbe hereby authorised (if required) to order and give satisfaction from the party soe trespassing to the party injured by want of his or their boate, boats or cannoos, five hundred pounds of tobacco penalty to the owner, and what damage the boate susteynes.

ACT CXIX.

Against Shooting.

Edit. 1733 and
1752.

Purvis 85.

[See vol. 1, p.
401, 480.]

Shooting guns
at drink'gs or
marriages pro-
hibited.
Burials excep-
ted

WHEREAS it is much to be doubted the common enemy the Indians, if opportunity serve, will suddenly invade this country and bring it to a totall subjection of the same, and whereas the only meanes for discovery of their plotts is by allarmes of which noe certainty can be had in respect to the frequent shooting of guns in drinkings, whereby they proclayme and justifie that beastly vice; *Be it therefore enacted* that what person or persons soever shall after publication hereof shoote any guns att drinking or marriages (buryalls excepted) such person or persons soe offending shall forfeite two hundred pounds of tobacco to the publique to be levyed by distresse in case of refusall.

ACT CXX.

Supply of ammunition.

Edit. 1733 and
1762.

Purvis 86.

[See vol. 1, p
525.]

Ev'ryman able
to bear arms;
to provide
himself with a
gun 2 lb. of
powder & 8 lb.
of shot.

BEE it enacted that a provident supply be made of guns, powder and shott to our owne people, and this strictly to be looked to by the officers of the militia (vizt.) that every man able to beare armes have in his house a fixed gun, two pound of powder and eight pound of shot at least, which are to be provided by every man for his family before the last of March

next; and whosoever shall fayle in making such provision to be fined fifty pounds of tobacco to be laid out by the county courts for a common stock of ammunition for the county, the enquiry referred to the grand jury.

Penalty & how appropriated.

ACT CXXI.

Against exacting Millers.

WHEREAS by a second act of a grand assembly, Anno 1645, it was ordered and established for reforming the great abuse of millers in exacting excessive and illegal tole, that noe person or persons using or occupying any mill should take or receive for the grinding of any graine or exchanging it for meale above the sixth part thereof for tole, which act hath not taken such effect as was intended thereby, in respect as is conceived neither penalty was imposed therein upon the offender nor the execution thereof was given in direction to any perticular officer; *It is therefore thought* fitt to enlarge the said act, and by vertue thereof to require all millers or owners of mills to provide by the five and twentyeth day of June next come twelve month stillyards, or statute weights and scales by which they are to receive in and deliver out all graine, and that they doe sufficiently grind or exchange the said graine soe brought, upon the penalty (in case they doe exact beyond the said proportion for grinding or exchanging, or in case of default of such weights and scales, or for not sufficiently grinding the same) of one thousand pounds of tobacco, and that the grand jury inquire thereof.

Edit. 1733 and 1752.

Purvis 86.

[See vol. I, p. 301, 347, 485.]

Millers to provide steely'ds or statute wts and scales.

Pen'ty for not grind'g or exchang'g grain for meal, or taking more than legal toll; or not providing wts. &c.

ACT CXII.

Against exportation of English goods.

WHEREAS the necessities of this country are relieved chiefly by the importation of English goods, and that reliefe much obstructed by many that bring in unnecessary comodities, and make sale thereof for tobacco, which they againe truck for substantial comodities as cloathing and the like and by that meanes

Edit. 1733 and 1752.

Purvis 87.

[See vol. 1, p. 519.]

Preamble.

Penalty for exporting Eng^h goods, except by the person import'g them

leave the country destitute of its owne supply; *It is hereby enacted* that noe person or persons soever shall after the first of June next export out of the colony any English goods (not by him formerly imported,) shall, upon discovery, forfeite such goods and be fined the value, the one halfe to the informer and the other to the publique.

ACT CXXIII.

Edit. 1738 and 1752.

Purvis 87.

[See vol. I, p. 463.]

Pen'ty for exporting mares and sheep.

Noe Mares or Sheepe to be transported.

IT is also enacted that noe mares or sheepe be transported out of the country upon treble the value, to be forfeited by the offender, and by him paid one halfe to the informer the other halfe to the publique.

ACT CXXIV.

Edit. 1738 and 1752.

Purvis 88.

Duty payable on rum and sugar imported, if sold at any port except those appointed by act of assembly.

*Rum.**

WHEREAS' the excessive abuse of rum hath by experience bin found to bring diseases and death to diverse people, and the purchasing thereof made by the exportation and unfurnishing the country of its owne supply and staple comodities; *It is enacted* that what vessell soever shall after the first of March 1663, except such as belong wholly to the inhabitants of this country, bring in them any rum or (a) sugar the said vessell soe bringing it in, shall not unload or sell the same at any place or places but such as are by act of assembly appointed ports for the vent of that comodity, and shall bring the same on shore and enter the quantity, and pay for every gallon of rum six-pence custome, and for every poand of (a) sugar one penny before they be permitted to sell or dispose of any part thereof.

Various Readings.

* The title of this act in Purvis and editions of 1738 and 1752, is 'Against selling of rum, but in places appointed.'

(a) In the Northumberland MS. there is a blank before the word sugar, but in Purvis it is filled with the word 'Pavele.'

ACT CXXV.

Against stealing of Hogs.

WHEREAS the stealing and killing of hogs is a crime usually committed and seldome or never detected or prosecuted in this colony, *Be it therefore enacted* for the better prevention thereof that whosoever shall steale or unlawfully kill any hogg which is not his owne, and the said fact being proved by sufficient evidence, he or they soe offending shall pay to the owner of the said hogg one thousand pounds of tobacco and one thousand pounds of tobacco to the informer, and in case of inability to pay and satisfye the said summes the person soe offending shall serve two yeares (vizt.) one to the right owner of the said hogg and the other yeare to the informer, and if any person be found to bring home any hogg or hoggs soe killed without their eares, shalbe adjudged a hogg stealer and to be proceeded against accordingly; that such persons as shall receive such hoggs into their houses and not immediately discover the same to the next commissioner then such receiver to be proceeded against as if he had been an actor in the trespassse, and in case the owner of the hogg informe, he to have both the fines.

Edit 1733 and 1752.

Purvis 88.

[See vol. I, p. 351.]

Hog stealer to pay 1000 lb. tobacco to owner & the same to informer; or, if unable to pay, to serve 1 year to owner and the same to informer.

Persons bringing home hogs without eares adjudged a hog-stealer; So, of the receiver who does not discover.

ACT CXXVI.

Masters of Ships to provide fower months provisions.

BEE it enacted that all masters of ships shalbe obleidged hereby to provide fower months allowance of victuals for passengers at their setting forth from the Downes or other parts of England, and to give the passengers sufficient allowance of dyett all the voyage, and masters of ships respectively to take care that poore servants doe not want cloaths (a) and bedding in the voyage, in which perticulars aforesaid if any shall offend, they shalbe lyable to greivous censure here according to the meritt of the offence.

Edit. 1733 and 1752.

Purvis 89.

[See vol. I, p. 435.]

Passengers from England how provided

Poor servants to have sufficient cloaths & bedding.

Various Readings.

(a) The words 'cloaths and' omitted in Purvis, but inserted in Northumberland MS. See also vol. I, pa. 435.

ACT CXXVII.

Concerning passes.

Edit. 1733 and
1752.

Purvis 89.

[See vol. 1, p.
200, 243, 436.]
Masters of ves-
sels transport-
ing any per-
son out of the
country, liable
for his debts,
& to a penalty
unless the
person pro-
duce a pass.

How a pass to
be obtained.

BEE it also enacted and confirmed that noe master of any ship, vessell, boate or barque shall transport any person or persons out of this country except the said person or persons (a) do produce a passe under the hand of the secretary, or such whome he shall depute or appoint upon the penalty to pay all such debts as any such person shall stand indebted to any person within this colony at his or their departure, and likewise pay one thousand pounds of tobacco (b) for his contempt; and it is further enacted that before any such passe shall be signed to any person he or they shall bring a certificate from the monthly court wherein he or they reside that he hath sett up his name upon a court day ten days at least before his departure at the county court where he resides; or otherwise shall put in sufficient security for the payment of all debts that are due or owing from them (c) to any person within the country; and further the person soe departing shall sett up (d) his name at the church doore to be published two Sundays in each parish in the county, where it is presumed all persons wilbe, and the readers testimoniall to the clerke shalbe sufficient warrant for him to grant certificate, and that the secretary and security after a yeare and a day be discharged.

ACT CXXVIII.

Imposition of 2 shillings per hoghead.

Edit. 1733 and
1752.

Purvis 90.

[See vol. 1, p.

491, 523.]

Preamble.

THIS present grand assembly of Virginia taking into serious consideration the burthensome and un-equall way of laying taxes by the pole and how they

Various Readings.

(a) Master' in Northb. MS. ' person or persons' in Purvis.

(b) After the word ' tobacco' the words ' to the secretary' inserted in Purvis, but they are not in the Northumberland MS. or any prior act on the subject.

(c) The words ' that are due or owing from them' omitted in Northumberland MS. but they are in Purvis.

(d) Instead of the words ' And further the person soe departing shall set up' which are in Northb. MS. the word ' or' is only inserted in Purvis. But the former is more agreeable to the previous laws on this subject

may with most honour and ease support the government in well paying his majesty's officers and as meanes perhaps of introducing mony, and an incouragement to men to produce other usefull and beneficiall comodities have thought fit to impose two shillings per hhd. upon every hhd. of tobacco that shall be shipped on board of any ship or other vessell within Virginia to be exported; and the collectors of the said imposition to dispose of no part thereof, but by order of the grand assembly only; *Be it therefore ordayned and enacted* by this present grand assembly and by the authority thereof, and it is hereby enacted that the master and masters of all and every ship or vessell coming to trade in Virginia shall upon demand made by the collector or collectors (who shall by order of assembly be impowred to receive the said imposition from every ship or vessell coming to trade in Virginia) enter into security to pay such collector or collectors two shillings for every hhd. of tobacco that shall upon any account whatsoever be shipped on board his ship or vessell to be exported, the said payment either to be made in mony, bills of exchange, or goods at 30 per cent advance upon the price of such goods at the first penny; and all freighters to be accomptable to the said masters for the tobacco by them shipped: *Be it also ordayned and enacted* by the authority aforesaid for the discovery of the number of hogsheads each ship or vessell containes, that the master of such ship or vessell shall deliver his boatswaines booke to the perusuall of the collector and make oath of the truth of the same soe farre as he knoweth; and that the mate, boatswaine or any other seaman be sworne if the collector see cause to discover the truth of the said freight. And if any master of shippes or vessell shall wittingly or willingly conceale any part of his freight from the collector and shall thereof be lawfully convicted, then the said master shall forfeite for every such offence the summe of one hundred pounds sterling, one moyety thereof to goe to the informer and the other to the publique, and be recovered by action of debt, bill or plaint in general court or county court by vertue of this act against which noe escoynes, wager of law or protection to be allowed to any person soe offending. *Be it further enacted and ordayned* that if any masters shall passe bills of exchange for the said

Duty of 2 shills. imposed on every hhd. of tobacco shd from Virginia.

Masters of vessels to give security for payment of duties.

How payment may be made.

Freighters accountable to masters.

How the number of hhds. ascertained.

Pen'ty for concealing quantity of tobacco.

If duty be paid in bills of exchange, the collector to take security

Collector to be appointed by the assembly.

To give security.

Commission.

imposition, that then the collectors are hereby required to take sufficient caution of the said master for the true and good payment of the same. *It is hereby also ordained and enacted* that the collectors of the severall rivers and places in Virginia for the receiving the said two shillings per hogshead be appointed and confirmed by this present grand assembly and give sufficient security and caution for the due execution of the trust hereby reposed in them, and to be accountable to the next assembly according to the tenor of this act; and the said collector to be allowed ten per cent salary for collecting the said imposition; *Provided* always, and it is hereby ordained and enacted by the authority aforesaid that this present act of assembly be and remaine in force.

ACT CXXIX.

Edit. 1733 and 1752.

Every inhabitant in Northumberland and Westmoreland to give an account how many hogsheads of tobacco they made, and to whom sold.

Purvis 92.

Duty on Tob'os in Northb. on acc't of their contiguity to Maryl'd to be paid by the planters before removed.

WHEREAS the imposition of two shillings per hogshead cannot conveniently be levied upon masters of ships that come into Potomack river by reason of their anchoring in the dominions of the *Lord Baltimore* whence they send their sloops and boats to fetch the tobacco made in this country without paying the said imposition, *Be it therefore enacted* that every planter inhabiting in the counties of Northumberland and Westmoreland shall certify into the collectors office, or unto his deputy the number of hogsheads of tobacco made by him and his family, and to whom they are sold, and shall not suffer any of the said hogsheads of tobacco to be carryed out of his house untill he receive certificate from the said collector that the imposition of the said tobacco is paid, and if any planter shall contrary to this act suffer any of his tobacco to be carryed aboard any ship, boate or sloop without such certificate, then the said planter to be fined twenty shillings for every hogshead soe carryed away without certificate as aforesaid.

Whereas the like inconveniencies are incident to Northampton county and lower Norfolk in recovering the imposition of 2 and ten shillings per hogshead as to the river of Potomack by reason of the transportation of much of the tobacco made in those places in sloopes to Marryland, *Be it enacted* that the provisional act made the last assembly for payment of those duties in Potomack river extend and be in force in the said counties of lower Norfolk and Northampton; and that the collectors appoint certaine persons to take account of the planters according to the tenour of the said act.

Same law extended to North'mton & Lo'er Norfolk

ACT CXXX.

Payment of ffort duties in Accomack, &c.

Edit 1733 and 1752.

WHEREAS there is an act of the last assembly providing for the securing the payment of two shillings per hogshead due to the country, but noe provision made therein for the securing the payment of the fort duties of Potomack, Accomack and Lynhaven from whence they fetch their tobacco in sloopes; *Be it enacted* that the said act shall extend as well to cause the planters loading it, to reserve and make payment of three pence per hogshead for fforte duties of the said tobacco, as for the payment of two shillings per hogshead.

Purvis 93.
(See an. p 23)

Three pence per hhd. for fort duties, payable in Accomack, Potomack, &c.

ACT CXXXI.

Ten shillings per hogshead.

Edit. 1733 and 1752.

Purvis 93.
[See vol. 1, p. 469, 536.]
Preamble

WHEREAS the prudence of all nations hath provided for the defraying the publique necessary charges of the country rather by laying an imposition upon the adventurer for the staple comodity of the country by the exportation of which the greatest advantage accrewes, then by taxing the persons of the inhabitants; this present grand assembly endeavoring as much in them lye to ease the burthen of the people, and taking into consideration the great benefit that accrewes to other countryes by the customes arrising

from our comodity tobacco, and that Virginia whose peculiar staple it is, hath from it nor from the adventurers hither noe publique advantage, *wee have thought it necessary and convenient, and accordingly have enacted and confirmed* that all masters of ships, merchants and marryners trading to Virginia and not bound by charter-party to retorne and discharge in any of the English dominions in Europe shall pay for every hogshhead of tobacco they shall load aboard any ship, barque or any other vessell, arriving here after the first of August next, and soe bound as aforesaid, the summe of ten shillings sterling either in mony or bills of exchange with good caution or in good valuable comodityes at twenty five per cent advance; *Provided always* that all adventurers inhabitants of this country trading in hottomes belonging to Virginia owners, shall be free from the said imposition, it tending to the advancement of trade here, the encouragement of the inhabitants to purchase vessels and of marryners to make this their place of residence.

Duty of 10s. sterling on every hogshhead of tobacco exported & shipped in a vessel not bound to any the English dominions in Europe.

How payable.

Owners of Virginia bottoms exempted.

ACT CXXXII.

Castle duties to be paid.

Edit. 1733 and 1752
Purvis 94.
[See vol. I. index tit. 'Castle Duties.']

Masters of ships to give an acc't of the bur'n of their vessels & a list of passengers to the collector of the Castle duties.

Penalty.

WHEREAS the Castle duties granted by his majestie to collonel Francis Morrison, captain of the ffort at Point Comfort, are rendred of noe value by the charge of a boate and hands going to collect them, and the inconsiderableness of the comodityes as they are paid being commonly the refuse of their cargoe, *Be it therefore enacted* that all masters of ships or other vessels being thereunto required by the officer appointed by the said collonel Morrison shall give in a true burthen of their ships or vessells and the list of their passengers at such convenient places, and to such persons as the said collonel Morrison shall in each river appoint, upon oath to be administred by his said collector or officer, if a commissioner, or else by any one or two commissioners; and if any master shall make false entry either of his burthen or list of passengers, then he shall upon prooffe thereof made pay treble duties for the number of passengers or quantity of tuns concealed, the same to be recovered out of the es-

tate of the master soe offending; and the like penalty upon all such masters as shall without coming into harbour fetch away their loading in sloopes and boats, and what master soever shall not pay his duties in kind being halfe a pound of powder, three pounds of leaden shott per tun and six pence per poll for every person imported not being a marryner, that then he shall pay in leiw thereof one shilling per tunne, and the said six pence per poll either in mony or in good goods as they cost at the first penny, and that the collector thereof transmitt the said entries of ships and passengers under the hand of the said masters to the said collonel Morrison to be by him recorded in his fiorte books, as formerly hath been accustomed.

Castle duties,
1-2 a lb. of
powder, & 3 lb.
of leaden shot
per ton, & 6d.
a head for pas-
sengers; or 1s.
per ton in lieu
thereof, be-
sides the 6d
per head.

ACT CXXXIII.

Ships to come up to James Citty.

WHEREAS the kings majesties frequent instructions hath commanded that all masters of ships arriving in this country should before they breake bulke bring up their ships to James Citty, which by reason of the seating of the inhabitants in divers rivers cannot without much prejudice to the said masters extend to all parts of the country yet that his majesties comands may as much as in us lyeth be effectually obeyed; *Wee the governor councell and burgesses of this grand assembly have thought fitt to enact, and be it enacted by the authority aforesaid that all ships whatsoever arriving in James river doe accordingly with the first faire wind and weather after their arrivall bring up their ships to James Citty and there make entry of their ships, take out lycense to trade and performe such other things as they shalbe there certified the lawes of this country doe enjoyne them.*

Edi. 1733 and
1752.
Purvis 65.
[See vol. 1, in-
dex tit 'Jas
Citty.']

Vessels arriv-
ing in Js. river
restricted to
James Citty, as
the sole port of
entry.

ACT CXXXIV.

Priviledge of Virginia owners.

WHEREAS some doubts have risen about the priviledge of Virginia owners and their exemption from the payment of the duties of two and ten

Pur. 95 & edit
1733, 1752 and
1769.

Such vessels only, as solely and wholly belong to inhabitants of this country, exempted from the export duty of 2s. & 10s. per hhd. of tobacco.

shillings per hogshead. *Be it enacted and declared* that the said priviledge is granted only to the owners and adventurers in such vessels as solely and wholly belong to the inhabitants of this country and not to such persons as are only partners of vessells, whose other partners dwell in other countrys, and the governor be judge of such proprieties and certifie the same to the collectors.

ACT CXXXV.

A publique Notary appointed.

Edit. 1733 and 1752.

Purvis 96.

Hen Randolph clk. of the assembly apptd. notary public.

WHEREAS for want of a publique Notary the certificates and other instruments to be sent out of this country, have not that credit given them in florreigne parts as duly they ought; *Be it therefore enacted* that Henry Randolph, clerke of the assembly be authorized and sworne a publique Notary for this country, to whose attestation at home or abroad we desire all credence to be given.

ACT CXXXVI.

*Propositions by the Governor and Secretary.**

Preamble, reciting the ancient and illegal practice of vest'g lands of persons dying intestate in their administrators. Such lands liable to escheat.

WHEREAS an antient practice of this country hath contrary to law and reason ignorantly vested the lands of persons intestate in the hands of administrators of whome diverse persons have purchased and held their lands by noe other title then such sales which can be of noe validity against the clayme of the king whome noe time can prescribe, and to whome (if an heire appeare not,) the land must of necessity devolve; and if the king should at any time give expresse order to an escheator to make inquiry into the titles we hold by, the said escheator cannot by

* The subject matter of this act is improperly placed in Purvis, under chap. XVIII of the acts of this session (see *ante* page 56 and notes) and it is not given as a distinct act. In the Northumberland MS. it is arranged as act (136) with the above title

vertue of his office but find all such lands for the king, which wee Francis Morrison and Thomas Ludwell, who are at present instructed by his majesty's treasurer to make composition for all lands soe escheated to his majestie, taking into our serious consideration and out of our tender care of many poore men who by the losse of lands thus perhaps dearly purchased and honestly paid for and out of the sense of the many inconveniencies and greate damages would fall upon them by being outed of their possessions by the severity of a too rigorous escheator; and that on the other side wee might not seeme to debarre his majestie of his just rights, wee have thought itt convenient to propose a certaine rule for composition of all lauds held by any pretended right two yeares by which while the power is in our hands we shall proceed, and if the assembly shall think it a favor wee shall joyne with them making it our request to major Henry Norwood, his majesty's treasurer to gett his majesty to confirme them that noe succeeding escheator may at his pleasure rigorously exceed these our moderate and reasonable demands.

ffirst. Wee conceive (a) any person having bin two yeares in possession of any land that ought to have bin vested in his majesty by escheate shall pay for his composition one hundred pounds of tobacco for every fifty acres besides the fees for finding the office and drawing the conveyance.

2ly. That every person having bin soe in possession two yeares shall have eight moneths time to petition for and make their composition, but if they deferre it longer and another sue for itt, and obtayne itt, they can impute the blame to nothing but their owne neglect.

3ly. That where there is a widdow she shall enjoy the lands of her husband during her life and be admitted in the first place to make her composition for the fee simple in case she signify her desire within the time aforesaid.

4ly. That all lands escheated before the time aforesaid the person concerned shall pay for his composition as aforesaid but all lands which shall hereafter lapse or which have lapsed within the two yeares last

Propositus for compounding for the right of the crown in escheat'd land.

1. Composition where a person has been 2 yrs. in possession.

2. Allowed 8 months to petition.

3. Widows, their dower and right to composition for the fee in escheated land.

4. As to lands hereafter escheated.

Various Readings,

(a) 'Concede' in Purvis

past, the the composition to be made for with those by his majesty's treasurer authorised thereunto and that the widdow be admitted in the first place she making her clayme within eight months according to the proposition aforesaid.

ACT CXXXVII.

*Interpreters made for the country.**

[See vol. I, p. 222, 328, 521.]
Indians interpreters appointed.

Col Ju. Flood & Hen. Newcombe.

WHEREAS collonel John flood hath long and faithfully served the country in the office of an interpreter and being now deceased, *It is enacted* that Tho: flood, son to the said collonel John flood be received in the place of his ffather and have the same sallary, and that Henry Newcombe be made interpreter for the northward. (a)

ACT CXXXVIII.

Concerning Indians.†

¶ This act appears to be a digest of the former laws, relating to the Indians, which are very numerous.
[See vo. I, ind. tit. 'Indians.'

Preamble

WHEREAS the mutuall discontentes, complaints, jealousies and feares of English and Indians proceed chiefly from the violent intrusions of diverse English made into their lands forcing the Indians by way of revenge to kill the cattle and hogs of the English, and by that meanes injuries being done on both sides, reports and rumours are spread of the hostile intentions of each to other, tending infinitely to the disturbance of the peace of his majesty's country; and whereas the laws prohibiting the purchase of any Indians lands unles acknowledged at Generall courts or assemblies by reason it is as easy to affright them to a publique as well as a private acknowledgment are made fruitles and ineffectuall, corrupt interpreters of-

Various Readings.

* This is placed as act CXXXVIII in Purvis, but the arrangement as here given from the Northumberland MS. is the most natural.

(a) 'Norwood' in Purvis, 'Northward' in Northumb. MS

† This is arranged as act CXXXVI. in Purvis

ten adding to this mischeife by rendering them willing to surrender when indeed they intended to have received a confirmation of their owne rights, and redresse of their wrong, which mischiefe had they continued must needs have involved the country into an inevitable and destructive warre, ffor remedy of which inconveniencies, and that for the future equitable peace may be established, *The governor, counsell and burgesses out of their tender care of justice and the peacc of this his majestys country have enacted, ordayned and confirmed, and doe by these presents, enact, ordaine, and confirme* that for the future noe Indian king or other shall upon any pretence alien and sell, nor noe English for any cause or consideration whatsoever purchase or buy any tract or parcell of land now justly claymed or actually possesst by any Indian or Indians whatsoever; all such bargaines and sales hereafter made or pretended to be made being hereby declared to be invalid, voyd and null, any acknowledgement, surrender, law or custome formerly used to the contrary notwithstanding; and further that the Indians proprieties of their goods be hereby assured and confirmed to them, and their persons soe secured that whoever shall defraud or take from them their goods and doe hurt and injury to their persons shall make such satisfaction and suffer such punishment as the laws of England or this country doe inflict, if the same had bin done to an Englishman.

And be it further enacted that what Englishman hath already contrary to the laws formerly in force for surrendering and acknowledgeing Indians lands made incroachments or seated upon them shall (if they make noe good prooffe of their title upon complaints made) be by order directed to the sherriffe to execute, removed from their seates of land thus wrongfully incroached, and all houses by them built upon the said lands be demolished and burned.

And be it further enacted that all Englishmen having by surrenders made at quarter courts or assemblies procured a coulorable right to any land by the said English now seated within three miles from any Indians, for prevention of the injuries done to the Indians by the said Englishmens hoggs and cattle shall, send such number of hands as there shalbe appointed by

No Ind^u king or other to sell, or English to buy any lands claim'd or possessed by Indians.

All such contracts void.

Persons & property of Indians secured.

Eng. who have encroached on the Indians contr'y to law to be removed and their houses demolished.

English seated near the Indians to assist them in fenc'g in a corn field.

commissioners to be authorized by the governor to helpe the Indians to fence in a corne ffield proportionable to the number of persons the said Indian towne doth consist off, and that after such fence once made sufficiently according to act of assembly if the Indians keepe it not in repaire what damages soever they shall afterwards susteyne shalbe at the hazard and sole losse of the said Indians.

Indians may be licensed, by 2 justices, to oyster, fish, and gather wild fruit; provided that they come unarmed.

Englishmen molest'g them to be punished as for similar injuries done the whites

No person to trade with the Indians with't a license.

Differences between licen-

And be it further enacted that for the better releife of the poore Indians whome the seating of the English hath forced from their wonted conveniencies of oystering, fishing and gathering tuckahoe, cuttyemions (a) or other wild fruites by which they were wonted for a greate parte of the yeare to subsist, Be it therefore granted, enacted and confirmed that the said Indians upon addresse made to two of the justices of that county they desire to oyster or gather wild fruites in, as aforesaid, they the said justices shall grant a lycense to the said Indians to oyster or gather fruites as aforesaid *provided* the said justices lymitt the time the Indians are to stay, and the Indians bring not with them any guns or ammunition or any other offensive weapon but only such tooles or implements as serve for the end of their coming; and if any Englishman shall presume to take from the Indians soe coming in any of their goods, or shall kill, wound or maim any indian, he shall suffer as if he had done the same to an Englishman, and be fined for his contempt.

And because many underhand and unlicensed traders doe truck and trade with the Indians, contrary to the act of assembly, and to the greate prejudice of all such as legally procure comissions from the governor, under pretence that the things trucked for be given them by the Indians, *Be it therefore enacted* that what person soever shall upon any pretence whatsoever buy, take, or receive any thing or comodity from any Indian shall upon prooff thereof at any court be ordered to pay treble the value of the thing received to the person injured thereby.

And because sometimes differences may arise betwene the Indians and those they trade with, which if

Various Readings.

(a) 'Cortenions' in Purvis

wee should proceed by way of arrest might tend much to the disturbance of the peace of the country, *Be it therefore enacted* that any comitionated trader haveing a difference with any Indian king or other shall repaire to the governor or such other as he shall appoint to determine the matter in controversie betweene them.

And because the imprisonment of an Indian may bring a warre upon the country, and consequently the making of peace and warre wrested out of those hands it is by his majestys comission intrusted into the power of every individuall in the country, *Be it therefore enacted* that noe person of what quality soever presume to imprison any Indian King without spetiall warrant from the governor and two of the councill as they will answer the contrary at their utmost perill.

And because this act cannot be put into execution without commissioners to view the present bounds of the English and Indians, *Be it therefore enacted* that the honorable governor be desired and authorised to appoint uninterested commissioners to goe with parties of horse to the severall Indian towns, and there to proclaime these and the following articles of peace betweene us and the Indians, to settle the bounds betweene us, and to appoint others of the most integrety to fix the time and assesse the worke to helpe the Indians ffences, and all other things by this act enjoyned; and for prevention of ffuture intrenchments beyond the bounds once fixed, *Be it further enacted* that the governor be desired and authorized to commissionate certaine persons annually to visitt the same and to take care that noe intrenchments be henceforth any further (a) made upon the Indians; and because an intervall betweene the Indians and English (b) cannot in the present neernesse of seating be soe laid out as may wholly secure the English from the Indians comeing in and pilfering things from them if a free intercourse be admitted, *Be it therefore enacted* for prevention thereof and to the end that the nations may be distinguished and soe if they are taken in the manner of doing any injuryes the sufferers know to what kings to ad-

sed traders & Indians to be decided by the gov. or persons appointed by him.

No person to imprison an Indian king with't special warrant from the gov. and 2 of the councill.

Bounds between the Indians and English to be fixed by commissioners: And viewed annually.

Various Readings.

- (a) The words 'any further' omitted in Purvis.
 (b) The words 'and English' omitted in Purvis.

Badges of silver & copper plate to be furnished to the neighbouring Indian kings; and no Indian to come within the English bounds with't a badge, or with some Indian who has one. Indians com'g with't badges how dealt with.

Penalty on English taking away Indian badges.

Indian kings tribut'y to the Engl'h to give information of approaching hostile Indians

Assistance, how furnished.

dresse themselves for remedy, that badges (vizt.) silver plates and copper plates with the name of the towne graved upon them, be given to all the adjacent kings within our protection. And that all the said kings give it in charge to their people that none of them presume upon what occasion soever to come within the English bounds without those badges upon them or one with a badge in their company, and if any damage or injury be done to any Englishman by them or any of them, that then the king or greate man of the place the badge denote shalbe answerable for itt; and if any shall notwithstanding this injunction be found in our bounds without any such badge or not accompanied with one that shall have them, that then it shall be lawfull for any Englishman to apprehend and (a) carry him or them before any justice of the peace who shall keepe him or them in safe custody untill their king or greate man ransome them by paying one hundred armes length of robonoake for each Indian soe taken, to be disposed of by the publique; *provided alwayes* that if any English shalbe found or proved to have taken away any of their badges, thereby to make the Indians guilty of breaking this law that then the person soe offending shalbe set in the pillory two howres in the court day in the county where they have comitted the offence with their fault in greate letters written upon them, and to be fined five thousand pounds of tobacco to the use of the publique, and in case of disability six months in prison without bayle or mainprize.

And be it further enacted that all Indian kings tributary to the English when they have the least notice of any march by any strange Indians neer our quarters shall repaire themselves or at least send some one of their greate men to the next of the militia, which shall be nominated and appointed by the governor for that purpose, and acquaint him with as much as they know concerning the nation, the numbers and which way they conceive they will bend their course, and if they then shall desire any ayd from us to secure them, that a party be presently sent out by the collonel of the militia to that purpose, which by this our assistance and recipro-

Various Readings.

(a) The words 'apprehend and' omitted in Purvis.

call care will make them and us have an equall interest in each others preservation while on the other side wee being ignorant of the marches of florreigners impute all damages wee receive, which is then comonly most, to our neighbours how innocent soever.

And be it further enacted that if any Indian by the inveighling of any English or of his owne will shall without leave of the king or greate man of the place come within the bounds lymitted them, and there procure harbour or entertainment it shall be lawfull for any other Englishman to take the said Indian and convey him to his towne to be punished and to recover of the Englishman that harboured or entertained him soe much per day as by the law for entertaining other runawayes is recoverable.

And be it further enacted that what Englishman, trader, or other shall bring in any Indians as servants and shall assigne them over to any other, shall not sell them for slaves nor for any longer time than English of the like ages should serve by act of assembly.

And because heretofore many entertained Indians by lycence of perticular persons who did much damage to the neighbours, *Be it therefore enacted* that noe person of what quality soever shall entertaine any of our neighbouring Indians as servants or otherwise unles by a lycence procured from the governor himselfe upon their obligation that desire it to be answerable for all the injuryes and damages that the Indians by them entertained shall doe to any English.

Penalty on Englishman, for harbor'g Indians, coming in without leave of their king.

No Ind'n bro't in as a servant shall be sold as a slave or for a longer time than English of like age are bound to serve. Nor shall any person retain an Indian as a servant with^t lycence from the governor

ACT CXXXIX.

*Clerkes fees.**

WHEREAS by a former act of assembly clerkes of courts were made uncapable of recovering their fees after they had bin two yeares due, *Be it enacted* that the said act be repealed, and that all their

[See vol. I, in dex ti. 'Fees'] Former act limiting recovery of clks' fees to 2 yeares repealed, and time extended to 3 yeares.

Various Readings.

* This act is numbered CXXXXVII in Purvis, with the title 'Clerks fees to be paid.'—It is here placed as in Northumb. MS.

accounts shall be three yeares pleadable, and that hereafter all sherriffes and collectors shall either receive distreynne for or secure by bill, all secretary, clerks of courts accounts delivered them and they be allowed ten per cent for what is received and five per cent for what bills are taken, and the sherriffie or other collectors not receiving or securing as aforesaid to be responsible for the accompt omitted; *Provided* that the said sherriffie or collectors shall not be lyable for the accompt of any person removing out of the county before the laying the levy unless they receive the levies or sherriffes fees, and then to be accountable for the clerkes fees also; *provided also* that the clerks deliver or send their accompts attested under their hands to the said sherriffes or collectors within fowre days after laying the levyes in their several counties.

Sheriffs' commissions.

For what fees responsible.

The Secretaries fees.

Secretaries' fees.

BEE it enacted and confirmed that the secretaries fees bee as followeth, vizt.

	<i>Tob. lb.</i>
Imprimis ffor a patent and recording itt	00 80
ffor a comission of administration & recording itt	00 60
ffor a probatt and recording itt	00 60
ffor a commission to trade	00 50
ffor a deposition	00 15
ffor bond and recording itt	00 40
ffor a copy of a pattent	00 30
ffor recording a letter of attorney	00 30
ffor recording a will	00 30
ffor a common warrant	00 15
ffor an order	00 15
ffor a copy of an order	00 15
ffor recording a bill or receipt	00 10
ffor an execution	00 30
ffor a passe	00 30
ffor a subpœnæ	00 15
ffor a petition, if writt	00 15
ffor entering a petition (a)	00 60

Various Readings.

(a) 'For entering a petition, 0006,' omitted in Purvi-

ffor a certificate of land	00 15
ffor a copy of an act of assembly	00 15
ffor swearing a jury (a)	00 15
ffor recording a bill of sale or such like	00 30
ffor a commission for the militia or court	00 50

County court Clerkes fees.

BEE it also enacted that the clerke of the county courts fees be as followeth, vitz.

	<i>lb. tob.</i>
Imprimis ffor an action	008
ffor entring an order	008
ffor copy of an order	008
ffor an execution	015
ffor an attachment	015
ffor a deposition	010
ffor a copy of a deposition	010
ffor administrations and probatts both at	060
ffor a subpoena	010
ffor a petition if they write itt	010
ffor entring petition	003
ffor a certificate for land	020
ffor any other certificate	010
ffor recording any business, orphants excepted	020
ffor recording inventoryes and conveyances	030
ffor a <i>Scire ffacias</i> in any court	010

And if any thing else be done then what is here expressed, the commissioners then to adjudge the fee.

*The clerke of the assemblies fees.**

BEE it also enacted by this present grand assembly that the clerke of the assemblies fees be as followeth, vitz.

	<i>lb. tob.</i>
Imprimis ffor entring a cause by retorne, } plea, or petition	020
ffor an order and copy of an order	020
ffor denization	050
ffor naturalizinge	050

Various Readings.

(a) ' For swearing a jury, 0015,' omitted in Purvis.

* In Purvis, the fees of the clerk of the assembly are placed after those of the sheriff's.

ffor county courts comissions	050
ffor militia comissions, if granted by assembly	050
ffor copying the acts of assembly	300
ffor the whole body of the acts writing	300
ffor attesting acts of assemblyes copying } answers and replies. }	

Sheriffs' fees. *BEE it also enacted that the sherriffes fees be as followeth, vizt.*

	<i>lb. tob.</i>
Imprimis ffor an arrest	010
ffor a boud	005 (a)
ffor going into prison	010
ffor whipping	020
ffor pillory	020
ffor serving a subpœna	010
ffor serving an execution if under one hun- } dred pounds tobacco }	010
If above 100 to five hundred	020
If above five hundred to a thousand	040
If unto two thousand	060
If above two thousand ten pounds per thousand	
ffor summoning and impannelling a jury for } every cause }	012
And for every person summoned	005
ffor attachments as for arrests and if further } trouble to be allowed by the court }	

Sheriffs' fees
summoning
appraisers; &
their fees on
executions.

Whereas some of the sherriffes fees upon execution have heretofore seemed to be arbitrary, this assembly have thought fitt to ascertaine them, and to enact that hee shall have for summoning every apprizzer ten pounds of tobacco and the apprizzers thirty pounds of tobacco per cause, if they finish itt in one day, and thirty per day if they are longer about it.

Various Readings.

(a) '15' in Purvis, '005' in Northumberland MS. which agrees with the act in vol. 1, p 465.

ACT CXL.*

WHEREAS the body of the lawes now digested into one body cannot suddenly be transmitted into several counties, *It is enacted* that the lawes made by this assembly begin to be in force the first day August next, by which time all courts may have them and publish them in their severall counties, and that in the interim the former acts remaine in force; but after shalbe for ever repealed; and because it is necessary to have one booke of records fairely drawne which as the originall may be the true test of any pretended errors, *it is desired* that the governor and speaker would please to peruse the same, when these acts shalbe fairly written in it, and are by this assembly authorized to signe it, and that booke to be accounted the originall record of the country, and to remaine in the hands of the clerke of the assembly.

Operation of laws passed at this assembly suspended till the 1st of Aug. until then the former acts to rem'n in force; and then be wholly repealed. Gov. & speak'r to sign MS. copy of the laws as for a standard of authority. This book to be accounted an original, & rem'n with the clerk of the assembly.

ACT CXLI.†

BEE it enacted that the committee appointed by the first session of this assembly be continued with the like power then granted them, and that captain Robert Wynn speaker, and major Edward Griffith be added in the roome of the honorable Nathaniel Bacon, Esq. now of the councill, and Mr. Henry Soane then speaker now deceased.

(See ant. p.31) Publ. committee continued.

Vacane's supplied.

Be it enacted that this assembly be adjourned until the 23d of March next.

Adjournment of assembly.

ACT CXLII.‡

ORDERED that a copy of the lawes made and confirmed be sent to the honorable Sir William Berkeley into England and that he be requested to

A copy of revised laws to be sent to sir Wm. Berkeley.

Various Readings.

* This act wholly omitted in Purvis.

† This act wholly omitted in Purvis.

‡ This act wholly omitted in Purvis.

in Eng for the
king's confir-
mation; after
which to be
devid to as-
signs of Henry
Randolph to
be printd who
are to have
sole license of
printing them
for 10 yeares.
Penalty on
others for
printing or sel-
ling.

procure his majesties royal confirmation; and it is fur-
ther ordered that after they be confirmed the said hono-
rable Sir William Berkeley be pleased to deliver them
to the assignee of Henry Randolph clerke of the assem-
bly to be printed to whome and his heires and assignes
sole lycence is granted to print them for ten yeares
next ensueing; and in case any other person then the
said Randolph shall cause them to be printed and
brought into this country of Virginia such books
shalbe all forfeited and the person bringing them in to
sell shalle fined twenty thousand pounds of tobaccoe
to the use of the publike.

PASSED in the absence of Sir William Berkeley, who
was then in England.

By FRANCIS MORYSON, Esq. dep'y gov'r.
ROBERT WYNNE, speaker.

(Note to Edition, of 1733, 1752, & 1769.)

GRAND ASSEMBLY,

HELD AT JAMES CITTIE IN VIRGINIA 23d OF MARCH
1661...2, THESE ORDERS FOLLOWING WERE MADE IN
THE GOVERNMENT OF THE HONOURABLE FRANCIS
MORYSON GOVERNOUR, AND CAPT. ROBERT WINN
SPEAKER.*

[From a MS. received from Edmund Randolph, Esq.
which was once the property of Sir John Randolph,
who transmitted it to his son Peyton Randolph, Esq.
after whose death, it was purchased, with his library,
by Thomas Jefferson, Esq. from whom it was borrowed
by Edmund Randolph, Esq.]

[This MS.
is now in the
library of
Congress, at
Washington.

WHEREAS a charge of high treason and Murther
was exhibited to this assembly against Wahanganorhe,
king of the Potowmack Indians by captain Giles
Brent, which was referred to a committee appointed to
examine the same who by their report find the said
charge unjustly layd, and no part thereof sufficiently
proved against the said Wahanganoeche, *it is ordered
by the grand assembly* that the said Wahanganoeche
shall be, and is hereby fully acquitted and discharged
from the same and from every part thereof.

*Wahangan-
oeche king of
Potomack ac-
quitted of a
charge of high
treason and
murder.*

* From the date, and the names of the Deputy Governor and
Speaker, these orders, as they are here called, were evidently made
at the same assembly by which the foregoing laws were passed.—
They appear to be resolutions of the assembly, on private and local
subjects, and exhibit much curious and important historical infor-
mation; as well as the mode of parliamentary proceedings at that
period, and the objects which came before the legislature.

Certain persons to pay the Indians a quantity of Roanoake or matchcoats, in satisfaction of the injuries done them.

IT is ordered by this grand assembly upon the report of the committee appointed to enquire into the differences between the English and Indians, that in satisfaction of the severall injuries and affronts done to Wahanganoche king of Potowmeck Indians by captain Giles Brent, collonel Gerrard flowke, Mr. John Lord, and captain George Mason, that the said captain Brent pay the said Wahanganoche two hundred armes length of roanoake; and that collonel flowke, Mr. Lord and captain Mason pay him one hundred armes length a peece, or that they pay and deliver him presently Matchcoates for the said roanoake of two armes length each, at twenty armes length every coate.

Colon. Fowke fined for permitting a murderer of an Indian to escape.

WHEREAS by the confession of collonel Gerrard flowke to the committee appointed for examination thereof it appears that the said flowke having one of the late murderers of the English delivered bound into his custody by Wahanganoche king of the Potowmeck Indians, suffered the said murderer to escape, *it is ordered by the grand assembly that for his said offence, the said colonel flowke pay to the publique tenne thousand pounds of tobacco.*

Capt. Brent & collonel Fowke fined, declar'd incapable of hold'g any office, and compelled to give see'ty for good behavior for illegally imprison'g Wahanganoche, king of Potomack.

WHEREAS captain Peter Jennings as attorney for the kings most excellent majestie, presented to the committee, appointed for the Indian buisness for high misdemeanors and other crimes, against capt. Giles Brent and collonel Gerrard flowke, for issuing illegal warrants and thereupon arresting, imprisoning and binding Wahanganoche king of Potowmeck Indians contrary to the honourable governors safe conducts and protections, for illegally and unjustly chargeing the said king with treason and murder, for those very things wherein the honourable governour and councill had before justly acquitted him, and for aspersing the honourable governour in declareing falsely that their unjust proceedings were done by his authority as by the said committees report more at large appeareth, upon which charge the said Brent and flowke acknowledged themselves of high misdemeanors, *it is therefore thought fit and accordingly ordered by the present*

grand assembly that the said Brent and flowke for their said offences pay each of them fifteen thousand pounds of tobacco to the publike, that they bee incapeable of bearing any office civil or millitary in this countrey and give bond severally for their good behaviour especially towards the said Wahanganoche and his and all other Indians, and further that captain Brent pay the whole charge of the witnesses and other persons concerned in his charge against the said king, and that hee and coll. flowke severally pay what other charges they are concerned in.

Capt. Brent to pay the whole charge of the witnesses.

IT is ordered by the grand assembly (upon the report of the committee appointed for the Indian busines) that Mr. John Lord and captain George Mason pay to the publike two thousand pounds of tobacco a peece for their contempt of the right honourable governours warrant, unles they shew cause to the contrary at next quarter court; that they be both suspended from all civill and millitary power till they have cleered themselves from the king of Potowmack's charge against them and give bond with good security to such person as the honourable governour shall appoint for their good behaviour towards the said king, his and all other Indiaus.

John Lord and capt. Geo. Mason, fined and suspended f'm office for their contempt to the governor's warrant in relation to the king of Potowmack

WHEREAS by the removeall of severall persons formerly entrusted with the power civil and millitary in Westmorland county, the comission of that county is much weakened, and the present condition of the countrey requiring uninterested persons to be intrusted therein, *it is thought fitt by the grand assembly* upon the report of the committee for the Indian business and accordingly ordered that Westmorland and Northumberland bee one county, and that the comission of Northumberland and remaining commissioners of Westmorland bee one county, bee one comission civill and millitary, *provided* that if the right honourable the governour shall think fitt that they still continue or hereafter shall be againe made two severall countys as formerly, then that he appoint such per-

Westm'land & Northum'land counti's unit'd till otherwise ordered by the governor, on account of the disturbances with the Indians.

sons to complete Westmorland commission as he shall find most capeable and fitt for the same.

~~RESOLUTION~~

Dispute bet'n
colonel Moore
Fautleroy and
the king of
Rappahan-
nock Indians
adjusted, by
the payment of
matchcoats
and the con-
veyance of a
further quan-
tity of land.

IT is ordered by this present assembly upon the report of the committee for the Indian affaires, that colonel Moore fautleroy enjoy at present no more of the land he is now seated upon then what is cleared with the houses built upon and marsh lying before it, and that he pay to the king of Rappahannock Indians fifteen matchcoates before he depart the towne in part of thirtie due per a former agreement, and the other fifteeh when the differences between him and the said Indians shall be ended by the commissioners to be appointed by the right honourable governour, *provided* they allow him five hundred acres of high land ground belonging to his said dividend, *Provided* if the said commissioners shall not determine the same then to be referred to the next assembly, and all other claimes of the said fautleroyes to any other land of the said Indians are hereby declared void.

~~RESOLUTION~~

Col. M. Fautleroy, for illegally extorting a quantity of ransome from the Rappahannock Indians, disqualified from office & bound to the good behavior

WHEREAS colonel Moore fautleroy before the committee appointed for the Indian buisnes did falsely and scandalously declare that he bound the king and great men of Rappahannock for denying their tribute to the right honourable Sir William Berkeley, and endeavouring to excuse or extenuate his own fault in his said unjust proceedings against the Indians, said that the Roanoake he received of them for ransome was in satisfaction of their said tribute, and paid by him to that noble person Sir William Berkeley the then honourable governour. *It is ordered by the assembly,* that for the same and his other illegall proceedings the said colonel fautleroy be made wholly incapable of bearing any office or command civill or military in this country, and forthwith give bond with very good securitie for his good behaviour and civill carriage especially towards these Indians; and for prevention of the further damage the hogs of the said fautleroy may do the Indians before the fiene be made according to

act in that case provided, it is ordered that collonel flantleroy keep one hog-keeper, the indians another for the present yeare.

Col. M. Fantleroy & Indians each to have hog-keepers.

It is ordered by this present assembly towards reparation of the great losse sustained by Richard White by the murther of the sonne and two servants and loss of his whole estate the last summer by the Indians that he be paid tenn thousand pounds of tobacco from the publike out of the next leavie.

Compensation to Rd. White, for the injuries he sustained by the Indians

UPON the report of the committee appointed for the Indian affaires it appearing that the Susquehannock and other northern Indians, in considerable numbers frequently come to the heads of our rivers, whereby plain paths will soone be made which may prove of dangerous consequence, and alsoe affront the English and destroy their stocks and gett the whole trade from our neighbouring and tributary Indians; *it is ordered by this assembly* that for prevention and of other injuries to the English from the Marylanders for the future, that the honourable governour cause by proclamation a prohibition of all Marylanders, English and Indians (which they have already done to us) and of all other Indians to the Northward of Maryland from trucking, tradeing, bartering or dealing with any English or Indians to the southward of that place, and that by commission from the governour collonel Wood be empowered to manage the said businesse.

Proclamation prohibit'g the Susquehann'k and Northern Indians, also the Marylanders, English & Indians, from lurking, trading, bartering or deal'g with any Indians or English to the Southward of that place.

WHEREAS by the report of lieutenant collonel John Walker who was appointed by the honourable governour to enquire thereinto, it appeares that Mrs. Mary Ludlow, relict and executrix of lieutenant collonel Thomas Ludlow deceased, entrencheth upon the Chesquiack Indians land at Pyauketanke, *It is ordered by the assembly* that the said Indians enjoy their whole tract of land according to the said surveigh and that the said Ludlows heires enjoy the remainder of their patent, and further order that no other person enjoying or being seated on any part of the said Indi-

Wid'w & heirs of col. T. Ludlow restrained from encroaching on Chesquiack Indi's.

All others to be immediately removed.

ans lands possess the same but to be with all convenient speed removed, and the commissioners appointed by the right honourable governour to enquire into and settle all differences and disputes concerning the said Indian lands.

Sale of land by Wahanganoche king of Potomack, to H. Mees confirmed.

WHEREAS Wahanganoche king of the Potowmeck Indians acknowledged before the committee appointed for the Indian business, the sale of that whole tract of land possess by Mr. Henry Mees in Potowmeck according to the bounds and marked trees which he confest were marked in his presence and with his consent, *it is ordered by the assembly* that the said Mees enjoy the said land to him and his heires for ever.

Also a sale by the same to P. Austin, confirmed.

WHEREAS Wahanganoche king of the Potowmeck Indians acknowledged before the committee for the Indians business that he sold a parcell of land to Mr. Peter Austin, and hath received for the same tenne matchcoates, and also promised to lay out the said Austins land with marked trees, *it is ordered by the assembly* that the same being accordingly bounded, Mr. Austin enjoy the same to him and his heires for ever.

Reference of the dispute between colonel Fowke & Wahanganoche, king of Potomack, to commissioners.

UPON the report of the committee appointed for settling the Indian business, *it is ordered by the assembly* that all differences of land between collonel Gerard fowke and Wahanganoche king of the Potowmeck Indians be referred to such persons as the governour shall commissionate therein who are fully to end and determine the same.

IT is ordered by the assembly upon the report of the committee for the Indian businesses that all differences of land between captain Giles Brent and Wahanganoche king of the Potowmeck Indians be referred to the determination of such commissioners whom the honourable governour shall appoint therein.

Also dispute between capt Brent and the same

IT is ordered by the assembly that lieutenant colonel Goodridge be summoned to appeare before the honourable governour and councill at next quarter court to answer the complaint of the king of the Mattapony Indians concerning the burning of his English house, and that the said Indian king have notice given him to be present.

Cl. Goodridge summoned to ans'r the complaint of the king of Mattapony for burning his English house.

IT is ordered upon the committees report that coll. John Carter issue warrants for William Johnsons appearance at next quarter court and other persons concerned, and that there the Indian boy detained by the said Johnson either to be continued according to his desire among the English or to returne to the Indians, but appeale to be open to the said Johnson if he shall desire the same on their proceedings.

Wm. Johnson summoned to shew by what auth'y he detains an Indian boy.

METAPPIN a Powhatan Indian being sold for life time to one Elizabeth Short by the king of Wainoake Indians who had no power to sell him being of another nation, *it is ordered* that the said Indian be free, he speaking perfectly the English tongue and desiring baptism.

Metappin a Powhatan Indian, who had been sold for life, discharged, he speak'g the English tongue & desiring to be baptised.

IT is ordered by the assembly upon report of the committee appointed for the Indian buisness that the right honourable the governour grant a commission to such uninterested persons as he shall think fitt, to enquire into and examine the severall claimes made to any part of our neighbouring Indians land, and confirme such persons who have justly invested themselves, and cause all others to remove, and that all other differences between English and Indians be referred to them.

Com'rs apptd. to investigate the sev. claims to land purch'd of Indians. Rightful purchasers to be confirmed in their titles, all others to be removed

but that appeales be open for all persons who shall conceive themselves aggrieved by the said commissioners proceedings.

Certain proposals of the governor to be drawn up into acts.

UPON the committees report, *it is ordered by this present grand assembly* that those excellent proposalls presented by the right honourable the governour to the assembly be all drawne into acts except the first article concerning an interstitium being very difficult to be effected.

A bridge to be built over the great swamp, at Rappahannock river, at the charge of Gloucester & Lancaster counties.

WHEREAS complaint hath been made to this assembly of the dangerousness of the passage over the greete swampe over Rappahannock river, by meanes whereof not onely commerce is obstructed but the affaires of the publike retarded also; *it is therefore ordered* that the way be amended and a bridge if possible built over the same at the charge of Gloucester and Lancaster countys between which it cheifly lies, and that Mr. Henry Corbin and major David Cant take care to see it effected.

John Partridge committed for a contempt to the house, in say'g he would be hanged at the door before he would serve in making satisfaction.

WHEREAS seriously examining the evidences taken against John Partridge for severall blowes given by him to Thomas Harris overseer to captain Thomas Stegg, and calling the said Partridge before us to hear what he could answer in his defence, most insolently said that well he might give him the said blowes, and further replied that he would be hanged at the doore before hee would serve in giving satisfaction, *it is therefore ordered by this present grand assembly* that the sheriffe keep him in safe custody, untill the pleasure of the house be further knowne herein, for his peremptory behaviour.

Geo. Harwood to ask forgiveness on knees, for speaking disrespectfully of the gov'r & capt. Ashton.

IT appeares by two evidences in the case between captain John Ashton and Mr. George Harwood, that he the said Harwood hath spoken words, tending much to the dishonour of the right honourable governour francis Morrison esquire, and to the diffamation

and great discredit of the said captain Ashton by this grand assembly, *it is ordered by this grand assembly* that for his great offence in dishonouring the governour he presently aske forgiveness in open court upon his knees, and at the next court held in Warwick county, he aske forgiveness and acknowledge his error to captain John Ashton for defaming him and pay two thousand pounds of tobacco costs of suite.

The comittee report in the case of John Gundry and Ann Price that they find not sufficient evidence presented for conviction of the said Anne Price according to lawe, neverthelesse that no insolence may be encouraged, *it is therefore ordered by this grand assembly* that the court of Elizabeth citty rehear the cause, and according as the presumptions of the offence shall appeare determine some meanes of punishment to the said Ann Price under two yeares service, and that major Hone and lieutenant collonel Worlish not to sit att the triall hereof, but two of the adjacent commissioners of the next county in their stead.

Case of John Gundry & Ann Price to be heard before court of Eliza. City.

UPON the humble submission of John Partridge for his peremptory language used before us, and at the request of major general Hamond ingageing himselfe for the said Partridge good behaviour is released from his comittment.

Jno Partridge released from his confinement on his submission.

WHEREAS John Milboy petitioned the honourable governour and councill concerning false imprisonment inflicted upon him by collonel John Stringer and the rest of the commissioners for Northampton county, which petition was referred to the honourable assembly who find no cause of action, the said Milboy hath against the said commissioners, but his imprisonment lawfull, and through his own seeking, dangerous carriage and turbulent behaviour, *it is therefore ordered by this grand assembly* so soone as the said Milboy shall returne to Northampton county that the sherriffe of the said county take him into pre-

John Milboy's complaint ag't Col J. Stringer for false imprisonment rejected, & he to be recomit'd to the sheriff of Northampton.

sent custody till he give bond with sufficient security for his good behaviour, and to aske forgiveness in open court att the next court held in the said county for his greate and unjust scandalls and infamies cast on the gentlemen of that court and his disturbance in the county, and to pay all costs of suite.

Scarborough v the justices o. Low. Norfolk; they having clandestinely held a court & given judgm't against Scarborough, ordered to pay the money themselves, with interest and costs.

IN the difference between collonel Edward Scarborough plaintiffe, and lieutenant collonel Thomas Lambert, captain Francis Emperour, Mr. Edmond Beeman and Mr. John Porter defendants, formerly commissioners of the county of Lower Norfolk referred to this grand assembly is by us found to be illegal in calling a court clandestinely sumoned by them, and erroneously proceeding wherein they granted to Mr. George Abbot against the estate of the said colonel Scarborough for seaven thousand nine hundred pounds of tobacco and caske with court charges, *it is therefore ordered by this grand assembly* that the said commissioners or either of them so giving judgment as aforesaid shall make present payment of the said sume of seaven thousand nine hundred pounds of tobacco and caske with interest and all costs of suite unto the said collonel Scarborough or his assignes, and in case execution is served on one or more of the said commissioners, they to have their releife against any of the foure proportionably.

Pettus v Baker petition dismissed.

STEPHEN Pettus petitioning against Martin Baker, late sheriffe of New-Kent is not found qualified to prosecute his petition, therefore the cause is dismiss.

The Court of Boston. in N. England, hav'g illegally discharged a seaman belonging to an inhabitant of Varg. reprim-

THE committees report that the great loss and damage sustained by Mr. William Dromond through the injustice done by the court of Boston in New-England ought to be repaired, and since the said court have returned no satisfactory answer to the letter of the honourable governour and councill of Virginia, wee are necessitated to find the least of ill expedients to repair the said Mr. Dromond, *it is therefore*

ordered by this present grand assembly, there he seized to the value of forty pounds sterling money out of the estate of some persons relating to the said government of Boston, which is in consideration of wages due for such a servants time, as was illegally cleared from the said Dromonds employ in New-England, and doe accordingly order the same.

sal ordered by seizing on the estate of some persons relating to the government of Boston.

IN the difference betwixt captain Martin Palmer and John Prosyer who married the relict of William Goffe concerning one thousand acres of land granted by patent unto captain Palmer at Whorecocke swampe in the county of Kent, and unto William Goffe the sonne of William Goffe deceased, by a later patent, for the avoiding of all further suites and troubles the said captain Palmer hath before us given one halfe of the said one thousand acres of land unto William Goffe orphant, and to his heires for ever, reserving to himselfe after survey made thereof the first choice, and if the house now built upon the said land happen to fall in the said Palmers five hundred acres of land, then the said Prosyer to have the use of the said house, and fiftie acres of land next adjoyning thereunto for three yeares next ensueing, and then to returne to captain Palmer or his heires, and that Mr. George Morris survey or divide the said land, and at the division lieutenant collonel Abrahall to be present, which is the request of lieut. coll. Nathaniel Bacon esquire in behalfe of the said Prosyer, and this to beare record of the said division betwixt them, and each party to beare his own charges.

Palmer v Prosyer. Conflicting patents for land, the dispute compromised and the land to be equally divided.

WHEREAS Elizabeth Tudman, alias Perkins hath appeared by her agent major Theophilus Hone, before this assembly, and there produced an instrument in writing, which upon perusal is found to be rased and obliterated in many parts, and no endorsment testified by the witnesses nor publique Notary, and is by this assembly concluded void in law, at which time the said Major Theophilus Hone, who appeared in the behalfe of the said Elizabeth Tudman, alias Perkins containing twenty and seaven acres scituate in the maine

Eli. Tudman's alias Perkins's claim to escheated lands rejected, & the land confirm'd to the governor, Fs. Morrison, as by patent obtained by him.

neer James Citty, which said twenty acres of land was by a juries verdict of the ninth of Aprill, one thousand six hundred sixtie and one, found to escheat to his majestie, and that noe heires of the said Thomas Perkins was existent, as more at large by the record of the said juries verdict doth appeare. whereupon the honourable Francis Morrison did agree and purchase of his majesties treasurers deputies the said twenty seven acres of land formerly belonging to the said Thomas Perkins, and had the same granted to him and his heires, &c. as by a patent dated the sixteenth of May 1661, more at large doth appeare to this grand assembly who declares that the title and claime of the said Thomas Perkins, or any for, from, or by him or them is void, and do confirme to the honourable Francis Morrison, his heirs, executors, administrators or assigns, the aforesaid twenty and seven acres of land formerly belonging to the said Thomas Perkins, scituate in the maine neere James Citty for ever; and do also record that the aforesaid Theophilus Hone who appeared in behalfe of the said Elizabeth Tudman, alias Perkins who pretended to the chattells personal of the said Thomas Perkins, did before us voluntarily disclaime and disowne any title or pretence to the said twenty and seven acres of land.

The claim of E. Tudman alias Perkins again considered, & she abandon'g all claims to the chattels real, administration is granted her as to the personal estate of the person under whom she claims.

UPON major Theophilus Hone second address on behalfe of Elizabeth Tudman alias Perkins, the assembly have againe perused the instrument of writing, and findinge no proprietie in Thomas Perkins senior unto the estate of his sonne Thomas Perkins junior, deceased, have utterly abandoned all claimes to chattells real, but for the personall estate humbly presume that administration may be granted to Elizabeth Tudman alias Perkins, in behalfe of Thomas Perkins upon the personall estate of Thomas Perkins junior deceased, and have by these our instructions manuducted the case to the honourable governour and counsell for administration.

Compt. of col. Edm Scarborough, high sherriff of North-

UPON the complaint of colonel Edmond Scarborough, late high sherriff of Northampton county on his majesties behalfe against John Alford and Eli-

zabeth his wife, Teige Miskell and William Jump for rebellion and disobedience which this committee examining, and after a full hearing of all parties. Doe report that wee find the said John Alford and Elizabeth his wife, both by sufficient testimony, their owne confession and ill behaviour before us to be rebellious and insolent persons, and guilty of wounding the said coll. Scarborough, late high sherriff on the head, and Teige Miskell and William Jump disobedients, *it is therefore ordered by this grand assembly* for reforminge the like disorders, that the said Alford and Elizabeth his wife, with Teige Miskell and William Jump be returned by the same conduct that brought them to the county of Northampton, and there to be delivered to the high sherriff who is to take security of them for the good behaviour, and at the next court held for the same county, that the said John Alford shall receive thirtie lashes on his bare back, and Elizabeth his wife twentie lashes, and Teige Miskell and William Jump tenne lashes a peece, and the said John Alford pay all costs and charges for himselfe, wife and servants.

Northampton, agst. Alford & wife and others, for rebellion. The defendt found guilty & sentenced to be whipped.

IN the difference between major Joseph Croshaw and captain Robert Ellison concerninge the bounds of Marston and middle plantation, parishes and having seriously weighed and examined the same, *it is ordered* that the bounds be continued according to an order of court in Yorke county held the twenty fifth of August, one thousande six hundred and fiftie and six.

Bounds of Marston and Middle plantation parish's how adjusted.

WHEREAS it was ordered the last assembly that uninterested persons of the county of Charles Cittie should determine and fix the bounds between the two parishes of Westover and Martin Brandon, which not being yet putt into effect, it is now further ordered that captain Robert Wynne and captain John Eps order some of the neighbours to be present with them, and to settle the bounds between them and to return the report to the next assembly.

Bounds of Westover and Martin Brandon parishes, how adjusted.

WHEREAS information hath been made that one Edward Dennis hath, without title or claime, seated himselfe in the Indian towne of Chickahomini;

Warrant agst Edw. Dennis, for seat'g himself in the In-

dian town of
Chickahomini.

it is therefore ordered that the said honourable the governour be pleased to send his warrant for the said Dennis, and as he finds occasion to give order for his continuance or removall.

Wm. Brough
committed to
prison for for-
nication with
the widow of
maj. Billings-
ley.

WHEREAS William Burgh hath been proved to live scandalously in ffornication with the relict of major John Billingsley, *it is ordered* that the said Burgh be committed and continued in prison untill he give bond with good security, that he shall not keep company with the said Elizabeth, and if the said William Burgh shall without security given, offer to go beyond the bounds of prison, or if the said Elizabeth shall come to him there, then the sherriffe of Nanze-mund by a (habeas corpus) to be removed to James Citty.

Also fined for
contempt to
the court.

ORDERED that William Burgh for his scandall and contempt offered to the governour be fined two thousand pounds of tobacco.

Examined and compared with the original and according thereto corrected per

PETER BEVERLEY,
Clerk of the House of Burgesses.

GRAND ASSEMBLIE,

Holden at James Cittie by prorogation from the twentieth third of March 1660, to the twentieth third of March 1661: and thence to the *twentie third*† of December 1662: in the fourteenth year of the raigne of our soveraigne Lord CHARLES the *second*, by the grace of God, of *England, Scotland, France and Ireland*, king, defender of the faith, &c.

Sir W. Berkeley, governor.

To the glorie of Almighty God, and the publique good of this his majesties colonie of Virginia:

These following acts were made and established.

The Honorable Sir WILLIAM BERKELEY,
Knt. Governor.

Capt ROBERT WYNNE *Speaker.*‡

[From a MS. presented to the editor by the court of Northumberland county.]

ACT I.

Sherriffes not to make false retornes.

WHEREAS the sherriffes of the severall (a) counties doe often contrary to act of assembly accept of the promise of the party arrested instead of taking

Edi. 1733 and 1752. Purvis 105. Sheriff's making false returns, fined 3000 lb. of tobacco.

Various Readings.

* In the Northumberland MS 'At a GRAND ASSEMBLY held att James City December the second 1662 Annoq Regni Rs. Car. Sedi. 12, 0.' (but this date of the reign of the king is clearly a mistake.)

† In the Northumberland MS. and edit 1733 and 1752, this is dated the 'second,' but in Purvis, Ch. Cull. MS. and P. Rand. MS. the 'twenty-third.' None of the acts of this session are noticed in the edition of 1769.

‡ The commencement of the acts of this session is taken from the Charles City MS. and from a MS. purchased by Thomas Jefferson, late President of the United States, with the library of Peyton Randolph, which contains the laws from December, 1662 to 1697, and will be designated 'P. Rand. MS.'

(a) The word 'respective,' between 'several' and 'counties' in Purvis.

bayle which by act he is enjoyned to take and yet to save himselfe harmlesse doth make a false retorne, as that the writt could not be executed, whereby the creditor is delayed in his suite, or *non est inventus* returned whereby attachment issues against (a) the defendant, *Be it therefore enacted by this present grand assembly and the authority thereof* that every sherriffe as shalbe proved to have executed the writt and yet make such false retorne shall be fined three thousand pounds of tobacco, halfe to the publike and the other halfe to the creditor soe delayed. (b)

ACT II.

Edit. 1733 and 1752. *Servants bringing in goods to have the disposing thereof for their owne advantage.* (c)

Purvis 106. **WHEREAS** many servants imported hither (being ignorant of the custome of this country doe sometimes bring in with them some small parcells

Various Readings.

(a) Instead of 'against,' as in Northumberland MS. 'to the damage of,' in Purvis.

(b) Instead of 'to the creditor soe delayed,' as in Northb. MS. 'to the party damaged or delayed as aforesaid,' in Purvis.

(c) The title of this act, in Purvis and editions of 1733 and 1752 is, 'An act concerning servants, owners of goods.'

☞ It is observable that, in the acts of this session, the titles of nearly the whole of them differ in the Northumberland MS from those in Purvis and the subsequent revisals, in which they have certainly been changed from what they were when originally passed. This is obvious, on a slight comparison. The titles of the acts, in the Northumberland MS. are in the *antique* style of that period, and like most of the former titles, briefly express the substance of the act itself; whereas those in Purvis and the editions of 1733 and 1752, are in a much more modern style. Besides the variation in the language, it is worthy of remark, that from this period forward the titles of all the acts in *Purvis*, and the subsequent revisals, begin with '*An Act*,' which is not uniformly the case in the Northumberland MS.

Improvements in legislation as well as in all other human pursuits are slow and progressive. It is therefore inconsistent with the nature of things, that the legislature should abruptly adopt a mode of proceeding and of expressing themselves so different from that to which they had been accustomed.

There is much less reason to doubt the accuracy and authenticity of the Northumberland MS. than *Purvis*, or any of the revisals:

of goods or have them sent afterwards by their friends which usually the party that imports them, or those to whom they are sold (a) as servants, convert to their own use, *Bee it therefore enacted* that all servants bringing in goods (not being their own wearing apparel) or have them consigned to them *during the time of their service* (b) shall have the propriety in their own goods, and by permission of their master dispose of the same for their future advantage.

Servants bringing in goods, or having them consigned to them, to have an absolute propriety in them

ACT III.

Against persons that refuse to have their Children Baptised. Edit. 1752.

WHEREAS many scismaticall persons out of their averseness to the orthodox established religion, or out of the new fangled conceits of their own hereti-

Purvis 106 & edit. 1733.

Various Readings.

because the former exhibits internal evidence of its containing the laws of each session, which were regularly furnished to the county of Northumberland, immediately after they were passed. But by what authority the acts in Purvis subsequent to those of March, 1661-2, were printed, does not appear. We have already seen (ante p. 147) that the revised laws of March, 1661-2, were transmitted to Sir Wm Berkeley, then in London, for the king's confirmation; after which they were to be delivered to the assignee of Henry Randolph, to be printed. These revised acts, it would seem were separately and immediately printed, as they are referred to as the *printed acts* in 1663 (act X) and in other acts, long before the publication of Purvis. They are the first in Purvis's collection, but that was not published till between the years 1684 and 1687, (see preface to vol. 1, pa. v.)

The probability is, that the revised acts of March, 1661-2, are printed in Purvis, as they were sent over to London, but that in transcribing the subsequent acts for that collection, *more than twenty years afterwards*, (for such was the lapse of time between the passing of the acts of March, 1661-2, & the publication of Purvis) great liberties were taken by the transcriber. Indeed the language, not only of the *titles*, but of the *acts* themselves, appears to have been newly modelled and *modernised*: and the innovations introduced in Purvis's collection have been carefully copied into the revisals of 1733, 1752 and 1769. So great and so frequent are the variations, that to exhibit them *all* would add at least one third more to the size of the volume. I must therefore confine the '*Various Readings*,' to such words and phrases only as affect the sense.

(a) 'Assigned' in Purvis.

(b) The words 'during the time of their service' not in Northb. MS

Persons refusing to have their children baptised, to be fined 2000 lbs. of tobacco.

call inventions, refuse to have their children baptised, *Be it therefore enacted by the authority aforesaid*, that all persons that, in contempt of the divine sacrament of baptisme, shall refuse when they may carry their child to a lawfull minister in that county to have them baptised shalbe amerced two thousand pounds of tobacco ; halfe to the informer, halfe to the publique.

ACT IV.

Edit. 1733 and 1752.
Purvis 107.

Judgment upon a non est inventus.

In actions on the case, upon account, if the defd. appear not, judgment to be rendered on the oath of the plaintiff.

WHEREAS by the present law where a non est inventus is returned an attachment is grantable returnable the next court, and judgment upon the same the court following, yet if the arrest be upon an action of the case upon accompt, prescribes noe way of making proove of the debt the law for accompts referring them to the oath of the debtor ; *Be it therefore henceforth enacted by the authority aforesaid* that in all such cases the creditors oath shall be taken to his accompt and judgment passe for the same, as also where bayle is taken and the defendant appeares not, the judgment shall upon such proove made upon oath by the creditor, passe against the bayle for the debt.

ACT V.

Edit. 1752.
Purvis 107 and edit. 1733.

In actions of slander occasioned by the wife she to be ducked for each 500 lb of tobacco recovered of the husband.

Women causing scandalous suites to be ducked. (a)

WHEREAS oftentimes many brabbling women often slander and scandalize their neighbours for which their poore husbands are often brought into chargeable and vexatious suites, and cast in greate damages ; *Be it therefore enacted by the authority aforesaid* that in actions of slander occasioned by the wife as aforesaid after judgment passed for the damages the women

* The running title of the acts of this session in the edition of 1733 is, 'Anno decimo quarto CAROLI secundi regis.'

(a) The title of this act in Purvis and editions of 1733 & 1752, is, 'An act for punishment of scandalous persons.'

shalbe punished by ducking; and if the slander be soe enormous as to be adjudged at a greater damage then five hundred pounds of tobacco, then the woman to suffer a ducking for each five hundred pounds of tobacco (a) adjudged against the husband if he refuse to pay the tobacco.

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ACT VI.

Women servants gott with child by their masters after their time expired to be sold by the Churchwardens for two yeares for the good of the parish.

Edi. 1733 and 1752.
Purvis 108.
[See ante pa. 115.]
Preamble.

WHEREAS by act of Assembly every woman servant haveing a bastard is to serve two yeares, and late experiente shew that some dissolute masters have gotten their maides with child, and yet claime the benefitt of their service, and on the contrary if a woman gott with child by her master should be freed from that service it might probably induce such loose persons to lay all their bastards to their masters; *it is therefore thought fitt and accordingly enacted, and be it enacted henceforward* that each woman servant gott with child by her master shall after her time by indenture or custome is expired be by the churchwardens of the parish where she lived when she was brought to bed of such bastard, sold for two yeares, and the tobacco to be imployed by the vestry for the use of the parish.

Women servants gotten with child by their masters, how disposed of.

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ACT VII.

Witnesses to be compelled to give in their evidences upon oath where they are summoned.

Edi. 1733 and 1752.

WHEREAS the law of this country already made prescribes noe way of compelling witnesses to give in their evidences upon oath; *Be it therefore*

Purvis 108.

Various readings.

(a) The words 'then the woman to suffer a ducking for each five hundred pounds of tobacco,' not in Northumberland MS.

Witnesses refusing to give evidence on oath to be committed.

enacted, that henceforth all witnesses subpened to give in his or their evidences in any cause, and refusing to give in his evidence upon oath shall be comitted to prison there to remayne untill he doe take his oath and give in his evidence.

ACT VIII.

Edit. 1733 and 1752.
Purvis 109.
[See ante pa. 115]
Preamble.

Men servants getting any bastard child to make satisfaction to the parish after their service ended.

Men servants getting bastards how to indemnify the parish.

WHEREAS by the present law of this country the punishment of a reputed father of a bastard child is the keeping the child and saving the parish harmlesse, and if it should happen the reputed father to be a servant who can noe way accomplish the penalty of that act, *Be it enacted by the authority aforesaid* that where any bastard child is gotten by a servant the parish shall take care to keepe the child during the time of the reputed fathers service by indenture or custome, and that after he is free the said reputed father shall make satisfaction to the parish.

ACT IX.

Edit. 1733 and 1752.
Purvis 109.

Noe conveyances allowed which are made in England unles recorded the next shipping after in the secretaries office.

Conveyances made in Eng. of prop'ty here deemed fraudulent as to creditors if not sent over by the next shipping & recorded in the gen. court.

WHEREAS dayly experience sheweth that many persons inhabitants of this country doe privily make over their estates to others in England, and by that meanes defraud all their creditors in this country of their debts, *Be it therefore enacted* that all conveyances of any estate in this country made over to any person in England, or authentiquecopies thereof shall be sent over into this country the next shipping after they are made and be here recorded in the generall court or else to be held for fraudulent and of noe force to the barringe the claymes of any creditor in this country.

ACT X.

The defendants in appeales to give bond to answer the appeales.

WHEREAS by the law of this country all appellants from any courts are bound to prosecute their appeales, but leaves the defendants at their liberty without any security to make his appearance, *Be it therefore enacted* that henceforth all defendants in appeales shall give bayle for their appearance as in case of arrests, and the sherriffe and bayle to be lyable for non appearance (a) as in case of arrests.

Edit. 1733 and 1752
Purvis 110.

Defts on appeales, to give bail as upon arrests; and bail and sherriffs liable in like manner.

ACT XI.

Servants comeing into this country without indentures under the age of sixteen yeares to be brought within fower months to the court, and their ages there judged.

Edit. 1733 and 1752.

WHEREAS by act of assembly the severall county (b) courts are appointed judges of the age of servants comeing in without indentures but noe tyme ly-mitted after their arrivall for the bringing them to those courts, *Be it therefore enacted* that every master buying or bringing in a servant without indenture shalbe enjoyned to carry him to the court within fower months after he hath bought him, when they may have judgment of his age, or else that the servant shall serve noe longer then those of sixteene yeares of age by custome of the country.

Purvis 110.
(See ante pa. 113)

Servants bro't in without indentures when to have their age adjudged by the court.

Various Readings.

(a) The words 'for non-appearance,' not in Northumb. MS.

(b) The word 'county' omitted in Purvis.

ACT XII.

Edit. 1733 and 1752. *Negro womens children to serve according to the condition of the mother. (a)*

Purvis 111.
Children to be
bond or free,
according to
the condit'n of
their mother.

Double fines
for fornication
with a negro.

WHEREAS some doubts have arrisen whether children got by any Englishman upon a negro woman should be slave or free, *Be it therefore enacted and declared by this present grand assembly, that all children borne in this country shalbe held bond or free only according to the condition of the mother, And that if any christian shall committ ffornication with a negro man or woman, hee or shee soe offending shall pay double the fines imposed by the former act.*

 ACT XIII.

Edit. 1733 and 1752. *Women servants whose common employment is working in the ground to be accompted tythable.*

Purvis 111.

Women serv's
employed in
the crop, tith-
able.

WHEREAS diverse persons purchase women servants to work in the ground that thereby they may avoyd the payment of levies, *Be it henceforth enacted by the authority aforesaid that all women servants whose common employment is working in the crop shalbe reputed tythable, and levies paid for them accordingly; and that every master of a family if he give not an accompt of such in his list of tythables shalbe fined as for other concealments.*

Various Readings.

(a) The title of this act in Purvis and editions 1733 and 1752, as well as in *Ch. Cit.* and *P. Rand.* MS. is, 'An act for mulatto children, being bond or free, to serve according to the condition of the mother.' This title was evidently composed long after the passage of the act itself. The word '*mulatto*' does not occur in the act, nor is it probable that it was then known in the English language. The MSS. of this period, except the Northb. bear evident marks of having been compiled from the same materials of which Purvis was priated, and cannot be considered as furnishing any additional weight to his authority. As a proof of this, acts XV, XVI, XVII and XVIII, of the session of 1663, which are omitted in Purvis, are also omitted in the *Ch. City and P. Rand.* MSS. though the titles are given in the edit. of 1733 and 1752 the acts at large in the Northumberland MS.

ACT XIV.

An act ascertaining damages upon bills protested.(a)

WHEREAS daylie experience sheweth the great damage sustained by divers merchants and other inhabitants of this country by bills of exchange protested, and since the usuall advance upon goods is fiftie per cent, *Bee it therefore enacted* that every person in this country drawing one or more bills of exchange upon any man which shall returne the same protested, shall pay to the creditor for his damage by losse of his returne thirty per cent: *And be it further enacted* that if any person in England or elsewhere upon whom any person in this country draws bills of exchange, shall refuse to accept them, and soe cause them to be protested, and yet sufficient prooffe be made that the person on whom such bills were drawne had at the time of his causing that protest effects enough in his hands to have satisfied the said bill, that then it shall be lawfull for the drawer of the said bills to sue and recover of the attorney or estate of such person (proved to have effects in his hands as aforesaid and yet causing the bills of the drawer to be protested) full satisfaction for his debt, and thirty per cent damages according to the first part of this act.

¶ The title only of this act is given in Purvis & edi. 1733 and 1752.

Preamble.

30 per ct. damages on bills of exchange protest'd agst. the drawer.

Also 30 per ct. ag'nst drawee refusing to accept, when he had effects of the drawers sufficient.

ACT XV.

Laws to be made by every county and parish, and those to be binding to those counties and parishes wherein they are made.

Edit. 1733 and 1752.

WHEREAS oftentimes some small inconveniencies happen in the respective counties and parishes which cannot well be concluded in a general law, *Bee it therefore enacted*, that the respective counties and the severall parishes in those counties shall have liberty to

Purvis 115.

Counties & parishes authorised to make bye-laws.

Various Readings.

(a) This act is taken from the Ch. Cit. MS. which agrees precisely with the P. Rand. MS. In the Northumb. MS. the act is incomplete, having only the last section. The title of it there is, 'Thirty per cent. allowed upon bills of exchange protested against the drawer.'

make lawes for themselves, and those that are soe constituted by the major part of the said counties or parishes to be binding upon them as fully as any other act.

The title only of this act is given in Purvis & edi. 1733 and 1752. Preamble.

A town to be built at James City.

To consist of 32 houses, of brick; their dimensions &c.

Houses, how arranged.

Each of the 17 co'ties to build 1 house & may impress workmen.

ACT XVI.

An act for building a towne. (a)

WHEREAS his sacred majestie by his instructions hath enjoyed us to build a towne, to which though our own conveniencies of profit and securitie might urge us, yett encouraged by his majesties royall commands, to which in dutie wee are all bound to yeild a most readie obedience, this grand assembly taking into their serious consideration the best meanes of effecting it have in reference thereto enacted.

First. That a towne be built at James Citty as being the most convenient place in James River, and already best fitted for the entertainment of workemen that must be employed in the work.

That the towne to be built shall consist of thirty two houses, each house to be built with brick, forty foot long, twenty foot wide, within the walls, to be eighteen foote high above the ground, the walls to be two brick thick to the water table, and a brick and a halfe thick above the water table to the rooffe, the rooffe to be fifteen foote pitch and to be covered with slate or tile.

2dly. (b) That the houses shall be all regularly placed one by another in a square or such other forme as the honorable Sir William Berkeley shall appoint most convenient.

3dly. That for the better expediteing this worke, each of the severall seaventeen counties build one house, and to that purpose be authorized to impresse in each of the said respective counties, bricklayers, labourers, carpenters, sawyers and other tradesmen necessary to be readie at such time as the governour shall think fitt.

Various Readings.

(a) This act is taken from the *Ch. Cit.* MS. which agrees precisely with the *P. Rem.* MS. and differs only in a few unimportant words from the *Northb.* MS. as noted at the bottom of the pages.

(b) The division of the act into sections, from *Northb.* MS.

4thly. That for avoidcing the exaction of workemen, the price of bricks, the wages of workemen and labourers and their diett at the ordinaryes shall not exceed the prices following, vizt.

Wages of workmen & price of materials, viz.

Bricks being statute bricks and well burned, one hundred and fiftie pounds of tobacco per thousand ; labourers beside diett two thousand pounds of tobacco by the yeare.

Price of bricks.

Brickmakers haveing their diett and six able labourers to helpe them, provided at his or their charge that employ them, and wood sufficient brought in place for each thousand bricks moulded and burned, fortie pounds of tobacco.

Wages of brick-makers.

Bricklayers haveing their diett and three able labourers to attend each of them, for each thousand of bricks layed fortie (a) pounds of tobacco.

Of brick-layers.

Carpenters per day besides their dyett thirty pounds of tobacco.

Of carpenters.

Sawyers for boardes and summers one pound of tobacco per foot, for timber for joyce, windowes, door cases and rafters, principalls, purloyners and other smalle timber, the said sawyers finding themselves and labourers dyett, halfe a pound per foot in length.

Of sawyers.

5thly. And because such generall workes must have peticular persons to see to the manageing of them, *It is further enacted*, that the commissioners of the respective county courts take care that this worke be perfected, and that they have their workemen readie to go to worke within twenty daies after they have notice from the governour, that the bricks and shells are readie, and also to begiinne their timber worke so timely that it may be all in readiness by the last of May and laid on soe soon as the brickworke is readie for it.

Superintendants to be appointed by the county courts

When the work to be commenced.

And in case any one commissioner or more of any countie court shall refuse their assistance or neglect the performance of their duty, such commissioner or commissioners soe offending to bee fined one thousand pounds of tobacco, each of them to the use of the publick. (b)

Penalty on justices for neglect

Various Readings.

(a) ' Fifty' in Northb. MS. (b) ' Towne' in Northb. MS.

Price of board
in ordinaries,
limited.

6thly. And be it further enacted that everie ordinary keeper shall sufficiently dyett each labourer a yeare for one thousand pounds of tobacco, and each workman for fifteen hundred pounds of tobacco per yeare.

Levy of 30 lb.
tobacco per
poll to assist
in the work.

7thly. Because works of soe publique concernement can hardly bee effectually managed but with great damage of the private undertakers without some contribution from the publique to assist them, *It is therefore enacted,* that a levye of thirty pounds of tobacco per poll be raised through the whole countrey, and thât out of the said levie, each county or other undertaker shall

Allowance to
undertakers.

have tenn thousand pounds of tobacco towards the building the said house, provided the same be completely finished within two yeares after the subscription to build; and what houses soever shall be in the judgment of the governour and council in September next be likely to be finished by Christmas following, the undertakers of such houses whether counties or perticular persons shall out of the levie of thirty per pole aforesaid then raised be ordered to receive the said tenn thousand pounds of tobacco for each house, and the governour and councill soe to dispose of the surplusage of the said levie, as that it may be secured to the undertakers of the other houses when they are finished.

Undertakers
to subscribe.

And because the end for which this towne is built would be wholly frustrated unles expedition be used in the effecting it, *Be it therefore enacted,* that all persons intending to be undertakers in this worke shall come in and subscribe their undertakings at James Citty by the last of March next.

Pen'ty for sub-
scribing & not
comply'g with
the terms.

And because any person or persons undertaking and not performing what they subscribe for, doe by their hindering the subscription of others much prejudice the worke, *Be it therefore further enacted,* that whoever he or they be that by the last of March next shall subscribe to build one or more houses, and not performe the same within two yeares after the said subscription, shall be fined fifteen thousand pounds of tobacco to the use of the towne.

Premiums for
building brick
houses; gr'nd
for a store, &
an exclusive
privilege to
build it.

And bee it further enacted, for the encouragement of the undertakers, that every one building a brick house as aforesaid shall have ground assigned him to build a store on, and shall have the proprietie of the said store and house to him and his heires for ever; and because stores which are built att little cost are

likely to produce the greatest benefit, *it is further enacted* that noe person or persons but such as build houses as aforesaid shall have the priviledges to build stores. And because these preparations of houses and stores will be altogether useless unles the towne be made the marte of all the adjoining places, *Bee it therefore enacted* that all the tobacco made in the three counties of James Citty, Charles Citty and Surry shall the next yeare when the stores be built be brought by the inhabitants to towne and putt in the stores there built, and whoever in any of the said three counties shall refuse to bring downe his tobacco shall be fined one thousand pounds of tobacco, halfe to the informer, halfe to the use of the towne, the full meaning and intent of this act being that all the tobaccos in these three counties shall be brought to the stores before it be laden aboard the shipp; and to prevent the exactions may be used in sloop men who must necessarily bee employed in bringing the tobacco to towne, and of owners of stores for storehouse room, *It is further enacted* that the owner of the tobacco bringing his tobacco att the landing where it is to be taken in, shall pay the transporter noe more then ten pounds of tobacco per hogshhead, and to the owner of the store noe more then six pounds of tobacco per hogshhead for the storage; And for the readier vending the tobacco soe brought to the towne, *Bee it further enacted* that all shippes that are to tke in any part of their loading above Mulberry Island shall ride at anchor, and all merchants keep their stores onely att the towne, where all goods and merchandizes whatsoever imported, and all goods and merchandizes to be exported shall be landed and loaded; and all goods and merchandizes at any other place above Mulberry Island wheresoever that is landed, loaded, bought and sold contrary to the intent of this act, shall be confiscate and forfeited, halte to the use of the towne, halfe to the informer; And because for feare of haveing their persons arrested or their goods seized may possibly deterr many persons from comeing thither to trade; *Bee it therefore enacted* that for and during the tearme of two yeares next after the beginning of the worke noe arrest, execution or process of lawe shall proceed against any mans person or estate in the towne, dureing his abode within the limitts of the said towne, or in his comeing to or

All the tobacco made in Js. City, Ch. City & Surry, to be brought to the town.

Penalty for neglect.

Prices of carriage and storage limited.

Ships loading above Mulb'ry Island, to anchor, & stores to be kept at the town only.

Penalty for breach.

Persons working in, or coming to town, priviledg from arrests for two yeares after the building commenced.

Except debts
contracted in
town.

And for capi-
tal offences.

Fraudulent
exemptions
from arrst,
how guarded
against.

Gov. & council
to provide for
cases omitted
in this act.

No more
wooden houses
to be built in
the town or
repaired.

The levy of 30
lb. tobacco pr.
poll, to be paid
one year to Js.
Cit. only; then
to the towns to
be built on Y^k,
Rappahan^{ck},
Potomack and
in Accomack.

going from thence, onely for such debts as accrue by any bargain, contract or negotiation made within the limitts of the said towne for which imediate process shall be granted, as alsoe against any of the inhabitants, and against all such persons that by the governour and councill shall be adjudged to have committed any capitall crimes; And to the intent that noe other person should fraudulently make bargaines at any other place then the towne, and escapeing thither pretend exemp-
tion from prosecution, it is enacted that this act be published pericularly in all places. And because something to be done about so great a worke may perhaps be omitted in this act the redresse of such omis-
sions is referred to the discretion of the governour and councill in the vacaucie of the assembly: And though in the infancy of this desig^{ne} it might seem hard to demolish any wooden houses already built in the towne, yett it is hereby provided and enacted that noe wooden houses shall hereafter be built within the limitts of the towne, nor those now standing be hereafter repaired, but brick ones to be erected in their steads.

* *Bee it further enacted* that the levie of thirtie per pole shall be paid onely one yeare to James Towne, the next yeare to the towne to be built in Yorke River, next in Rappahannock River, then in Potomack River, then at Accomack, with the same injunctions of bringing their tobacco to the respective townes for the advancement of the market.

ACT XVII.

Purvis 112 and
edit. 1733 and
1752.

Preamble.

An act for the imposition of 2 shillings per hogshead.†

WHEREAS the kings most excellent majesty hath been graciously pleased by his instructions to the right honourable Sir William Berkeley bearing date the twelveth of September 1662 to confirme the

Various Readings.

— The remaining part of this act forms a separate chapter in Northb. MS. under the title of 'An act for a Levye', but the subject matter seems properly to arrange it under the preceding act.

† This act is taken from Ch. Cit. MS.

imposition of two shillings imposed by a former act of assembly upon every hogshead of tobacco exported out of this collony, with the limitations offered to his majestie by his majesties council of trade for the plantations, *Be it therefore enacted by the present grand assembly,* that the limitations in the said order of his majesties councill for plantations be strictly observed, and that no merchants, masters, marriners or any other person or persons shall receive or shipp aboard any shipp, vessell, barque, sloop or boate any tobacco before the said imposition of two shillings per hogshead be duly paid in moneys or the value thereof in goods or merchandize unto the collector or collectors appointed by the right honourable the governour and due certificate or cocquett from him or them received. And in case any master shall receive any tobaccoes aboard without such conquetts, or certificates first had from the said collector or collectors, all such goods to be confiscated to the use of the publique.

Imposition of 2s. per hhd. on tob'o. exported confirmed by the king.

Penalty for shipping tob'o. before the duty be paid; & certificates or cockets obtained.

ACT XVIII.

Concerning castle duties.

Edit. 1733 and 1752.

WHEREAS the act of assembly enjoying each master of a family to provide a certaine quantity of powder and shott for each tithable in his family is rendered altogether ineffectuall unles meanes be prescribed how such powder should be procured: *Be it enacted and ordained by this present grand assembly* that for the better supply of the country all masters of ships may pay their fort duties in kind, vizt. halfe a pound of good merchantable musquett powder and three pound of leaden shott for each tunn their shipp is off burden, to the captain of the flort, and that the said captain of the flort shalbe paid for what the said powder and shott shall amount to out of the impost of two shillings per hogshead, in bills of exchange at the rate he receives it from the masters, vizt. at one shilling per pound powder, and two pence per pound shot. *And it is further enacted* that if any of the masters of ships or other vessels should not pay their respective flort duties of halfe a pound of merchantable musquett powder and three pound of leaden shott, and six

Purvis 113. [See vo. 1, Ind. title 'Cast duties,' and ante pa. 135.]

Castle duties may be payable in kind, viz. 1-2 lb. musket powder, 3 lb. leaden shot, per ton.

Capt. of fort to be paid the value by the public.

If not paid in kind to be paid in money or bills.

pence per poll all of them in their very kinds, that then the said masters shall pay the same to the said captain of the ffort, or in his absence to his attorney or attorneys in money or in bills of exchange, any other act to the contrary notwithstanding.

ACT XIX.

¶ The tit. only of this act in Purvis & edit. 1733 and 1752.

Horses tythable to defray the charges of Wolves heads :

Tax on horses appropriated as a reward for killing wolves.

WHEREAS through the great taxes, which of necessity must be layd upon the country poore men are most likely to suffer if they shalbe forced to pay in their respective counties for the wolves heads besides the publique levyes, and suffer the usual damage by unruly horses, not to be restrayned by any legall ffence; *Be it therefore enacted* that the accustomed encouragement for destroying of wolves be continued, but that it be layd only upon horses of all kinds being above two yeares old belonging to any person whatsoever in this country not excepting governour and councill proportioned in every county to the wolves heads there killed, Henrico county only being excepted and (a) referred to the by lawes.

ACT XX.

Encouragement for builders of Shippes.

¶ The tit. only of this act in Purvis & edit. 1733 and 1752.

Premiums for build'g vessells apporportioned to their burthen.

FOR encouragement for builders to build vessells in this country *Bee it enacted* that every one that shall build a small vessell with a deck bee allowed, if above twenty and under ffifty tunn, ffifty pounds of tobacco per tunn, if above ffifty and under an hundred tunn, one hundred pounds of tobacco per tunn; if above one hundred tunn, two hundred pounds of tobacco per tunn, *Provided* those that receive this incouragement shall give caution that the said vessell soe built shall not be sold to any unles to another inhabitant in this country in three yeares.

Various Readings.

(a) The words 'being excepted and' not in Northb. MS. but inserted in *Ch. Cit* and *P. Rand.* MSS

ACT XXI.

Tradesmen to pay levies.

WHEREAS the necessity of the country requires extraordinary taxes to be laid upon the country at present, *Be it therefore enacted* that the former act exempting tradesmen and handy craftsmen from paying levies be suspended for five yeares and they to pay as formerly.

Act exempt g tradesmen from payment of levies suspended 5 years.

ACT CXXII.

*An act repealing the act for itinerary Judges.**

WHEREAS the act for itinerary judges brings with it a greate charge to the country, *Be it therefore enacted* that the law enjoying the same be repealed.

The whole of this act omitted in Pur. but the title in edit. 1733 and 1752. Iten'ry judges abolished.

ACT XXIII.

Concerning Hides.

WHEREAS the act restrayning exportation of hides lays the penalty only upon the buyers, and therefore produced not the effect that was intended thereby which was the supply of the country with leather, *Be it therefore enacted* that whosoever shall sell or otherwise dispose of any hides contrary to the intent of the former act shalbe fined for every hide soe by him sold or otherwise disposed of to be exported one thousand pounds of tobaccø; and it is granted by this act that sale may be made of hides to any person liveing in the country, the clause in a former act comanding them to be sold in the county to the contrary notwithstanding.

Edit. 1733 and 1752. Purvis 115. [See an. p. 124.]

Penalty on sellers of hides for exportat'n. Not to prevent sales to pers's living in the country.

This assembly is adjourned untill the tenth of October unles the governour see cause to call it sooner.

Adjournment.

Signed by Sir WM. BERKELEY, *Gov'r.*
ROBERT WYNNE, *Speaker.*
(*Note to edit. 1733 & 1752.*)

Various Readings.

* The title of this act wanting in the Northb. MS. but the act itself is inserted. The title and act taken from Ch. Cit. and P. Randolph MS.

AT A

GRAND ASSEMBLIE.

Sir W. Berkeley, governor.

Held at James Cittie, by prorogation from December the second 1662, to September the tenth 1663, and in the fifteenth year of the reigne of our soveraigne Lord King CHARLES the second.*

ACT I.

Edic. 1733 and 1752.

Parvis 115.

Preamble.
[Sec vol. 1, p. 532 and ante. p 48.]

Quakers assembling to the number of five for the purposes of religious worship, how punished.

An act prohibiting the unlawfull assembling of Quakers.

WHEREAS it is evident of late time that certaine persons under the names of Quakers and other names of separation have taken up and maintained sundry dangerous opinions and tenets, and whereas the said persons under pretence of religious worship doe often assemble themselves in greate numbers in several parts of this colony to the greate endangering its publique peace and safety and to the terror of the people by maintayning a secrett and strict correspondency among themselves, and in the meane time separating and dividing themselves from the rest of his majesties good and loyall subjects, and from the publique congregations and usuall places of divine service, for redressing whereof and for better preventing the many mischeifes and dangers that may and doe arise by such dangerous tenets and such unlawful assemblies, *Be it enacted by this present grand assembly and the authority thereof* that if any person or persons commonly called Quakers, or any other seperatists whatsoever in this colony shall at any time after the publishing of this act in the severall respective counties departe from the

Various Readings.

* In the Northumberland MS. the commencement of the acts of this session is, 'AT A GRAND ASSEMBLY at James Cittie, by prorogation from December the 2d 1662 to October the 10th, 1663, 'Annoq. Regni Regis Caroli secundi. 15, 0.' (But the word *October* is a mistake.)

place of their severall habitations and assemble themselves to the number of five or more of the age of sixteen yeares or upwards at any one tyme in any place under pretence of joyning in a religious worship not authorized by the laws (a) of England nor this country that then in all and every such cases the party soe offending being thereof lawfully convict by the verdict of twelve men, or by his owne confession, or by notorious evidence of the fact, shall for the first offence forfeite and pay two hundred pounds of tobacco, and if any such person or persons being once convicted shall againe offend therein, and shall in forme aforesaid be thereof lawfully convicted shall for the second offence forfeite and pay five hundred pounds of tobacco to be levyed by distresse and (b) sale of the goods of the party soe convicted, by warrant from any one of the justices before whome they shalbe soe convicted rendering the overplus to the owners (if any be,) and for want of such distresse or for want of ability of any person among them to pay the said fine or fines then it shalbe lawfull to levy and recover the same from the rest of the Quakers or other seperatists or any one of them then present, that are of greater ability to pay the said fine or fines; and if any person after he or she in forme aforesaid hath bin twice convicted of any of the said offences shall offend the third time and be thereof lawfully convicted, that then every person soe offending and convict as aforesaid shall for his or her third offence be banished this colony of Virginia to the places the governor and councill shall appoint.

For 1st offence

For 2d offence

The more able to pay for insolvents.

For 3d offence to be banish'd.

And be it further enacted by the power and authority aforesaid, that each master of ship or vessell that shall import and bring in any Quaker into this colony to reside after the first day of July next, ules by virtue of an act of parliament made in England the nineteenth day of May in the foureteenth yeare of the raigne of our soveraigne Lord the King, shalbe fined five thousand pounds of tobacco to be levyed by distresse and sale of the masters goods by warrant from any justice of peace in the county where such person or persons shall ar-

Penalty on masters of vessels for bringing in Quakers.

Various Readings.

- (a) The words 'by the laws,' omitted in Purvis
- (b) 'or' in Purvis

rive, the same being proved by sufficient evidence, and further shalbe enjoyned to carry him or them out of the country againe when his ship retournes and to take especiall care to secure him, her or them soe brought in as aforesaid from spreading any seditious tenets whilst he she or they remaine in the country.

Penalty on inhabitants for entertaining Quakers to preach.

And be it further enacted that any person or persons inhabitants of this country that shall entertaine any Quakers in or neare their houses, that is, to teach or preach shall likewise be fined five thousand pounds of tobacco for each time they do entertayne them, to be levyed by distresse and sale of the persons goods by order of the justices of peace in the next county court held for that county where the fact was committed before whome the same shalbe by evidence proved.

Pen'ty on officers for neglecting the execution of this act.

And be it further enacted that for prevention of neglects in the due execution of this act by any magistrate or magistrates officer or officers of this colony that in case any justice of the peace or any other officer shall neglect the performance of their duty in prosecuting this act or shall directly or indirectly connive at any breeches thereof he or they for every such offence shalbe fined two thousand pounds of tobacco to be levyed by distresse and sale of the goods of the party soe offending, he being thereof lawfully convicted by the verdict of twelve men or by his owne confession or evidence of the fact.

Justices of the peace finally to hear & determine.

And be it further enacted by the authority aforesaid that all justices of the peace in their severall counties shalbe hereafter impowered to enquire heare and determine all and every the offences aforesaid within the ly-mitts of their comission and to give warrant for levy-ing and distressing the fines upon the goods of the persons offending, all which said fines mentioned in this act shalbe disposed of to the uses and purposes following, vizi. the two hundred and five hundred pounds of tobacco imposed on the Quakers and other seperatists for unlawfull assembling shalbe paid halfe to the informer, halfe to the use of the parish where the fact was committed; that the five thousand pounds of tobacco imposed on each master that shall bring in

* The running title in the editions of 1733 and 1752, is, 'Anno decimo quinto Caroli secundi regis.'

any Quaker shalbe paid halfe to the informer. halfe to the use of the parishes in the county where the person or persons arrive ; that the five thousand pounds of tobacco imposed upon every inhabitant that shall entertaine as aforesaid in or neare his house any Quaker shalbe paid halfe to the informer and halfe to the parishes in the county where he lives for pious uses ; provided alwayes that the charges of their apprehending be first defrayed, that the two thousand pounds of tobacco, imposed upon any majestrate or other officer that shall neglect the due prosecution of this act shalbe paid halfe to the informer and halfe to the parishes in the county where he lives ; *provided alwayes, and be it further enacted*, that if any of the said persons Quakers or other seperatists shall after such conviction as aforesaid give security that he, she or they shall for the time to come forbear to meete in any such unlawfull assemblies as aforesaid, that then and from thenceforth such person or persons shalbe discharged from all the penalties aforesaid any thing in this act to the contrary notwithstanding.

Fines, how disposed of.

Quakers in giving security, not to meet in their assemblies released from penalties of this act.

ACT II.

An act concerning the bounds of this colony on the Easternshore.

Edit. 1733 and 1752.

HIS Majesties interest on the Easternshore of Virginia together with some other concernments of the Lord Baltimore coming into consideration of the right honourable the governour councell and burgesses of this grand assembly, they pretermittting for the present all other his majesties concernes of land untill a fitter oppertunity doe thinke fitt for the present to enact, *and be it therefore enacted* by the right honourable the governour councell and burgesses of this grand assembly, and the authority thereof that publication be made as soone as possibly by collonel Edmund Scarborough, his majesties surveyor generall of Virginia, commanding in his majesties name all the inhabitants on the Eastern shore of Virginia from Watkins point southward to render obedience to his majesties government of Virginia and make payment of his majes-

Purvis 118.

Preamble.

Boundary of Virg. on the E. Shore betw'n L'd. Baltimore & this colony, ascertained.

ties rents and all publique dues to his majesties colony of Virginia. And whereas it hath bin controversed by some ignorant or ill disposed persons, where Wattrkins point the Lord Baltimores southermost bounds on the Easterne shore is scituate, this grand assembly by the care and speciall enquiry of ffive able selected surveyors and two burgesses, and the due examination thereof conclude the same place of Wattrkins point to be the northside of Wicomicoe river, on the Easterne shore, and neere unto and on the south side of the streight limbe opposite to Potuxent river, which place according to captain John Smith and the discoverers with him, in the yeare 1608 was soe named, being the lord Baltimores bounds on the Easterne shore within which bounds his majesties subjects that are now seated are hereby comanded to yeild due obedience at their utmost perill, and in case the lord Baltimore his lieutenants or deputies shall not be fully convinced of error in his or their actuall or pretended intrusions, this grand assembly of Virginia in due obedience, making this perticular parte of Virginia their present care on his majesties behalfe doe ingage and comand collonel Edward Scarburgh, Mr. John Cullett and Mr. Richard Laurence or any two of them (whereof his majesties surveyor generall to be one) that upon convenient notice and assignment of time and place at Manokin or any other parte of his majesties country of Virginia on the Easterne shore, they or any two of them shall give a meeting to the lord Baltimores lieutenants or deputies, or his or their substitutes as aforesaid, the account thereof to be returned to his majesties governour and councill of Virginia, and in the meane time all the inhabitants on the Easterne shore as aforesaid are required in his majesties name to conforme due obedience to this act of assembly.

A conference proposed with L. Baltimore's commiss'rs, if he dissatisfied.

Bounds of L'd. Baltimore's grant.

Be it alsoe enacted that the surveyor generall of Virginia aforesaid is hereby comanded and authorized to improve his best abilities in all other his majesties concernes of land relateing to Virginia espetially that to the northward of forty degrees of latitude, being the utmost bounds of the said lord Baltimores grant, and to give an account of his proceedings therein to the right honourable governour and councill of Virginia.

ACT III.

An act prohibiting the exportation of Deere skins or Calve skins, &c.

Purvis 120 & edit. 1733 and 1752.

WHEREAS it appears that the skins of Deer and Calves are according to their quantity as usefull and benefitall to the country as hides, for promoteing the manufacture of shooes, *It is therefore enacted* that all such skins shall be included in the act against exportation of hides or leather, with five hundred pounds of tobacco to be forfeited by the buyer or seller of the same, *And be it further enacted* that any perticuler justice be impowered to send his warrant aboard any ship, sloop or vessell for search or detection of such offences, and that three or more (one being of the quorum) may examine and take evidence for the prooffe thereof, and that a court may be called if requested by the party concerned according to a former act for dispatch of maritime affaires to passe judgment thereupon, and for what shall be found aboard any ship, sloop or vessell as aforesaid to give sentence for confiscation thereof.

Exportation of deer and calf skins prohibited.

Penalty.

How recovered.

ACT IV.

An act prohibiting the entertainment of Indians without badges.

Edi. 1733 and 1752.

SINCE it is manifest that diverse thefts are comitted by Indians on the southside of James river, for which the neighbouring Indians being taxed say, and affirme it to be done by the Tuscarores and other remote nations who lying skulking about the English plantations for private sinister comerce cannot be soe safely discovered and taken by the reason that the penalty, by law for Indians comeing in without a badge is laid on the Indians only, and not on the English entertayning them, *Be it therefore enacted* that what Englishman soever shall privately entertaine any Indian or Indians of any nation not haveing a badge according to law shalbe lyable to the same censure and penalty as the law imposes upon an Indian, for such their illegall comeing in, and that the informer or discoverer thereof shall have halfe the said penalty.

Purvis 120.

Preamble.

Penalty for entertaining Indians without badges, extended to English also.

ACT V.

Purvis 120, &
Edit. 1733 and
1752.

An act for better payment of ten shillings per hogshedd,

Preamble.

Duty of 10s. p
hhd. to be paid
in money or
tobacco only.

WHEREAS the impost of ten shillings per hogshedd is most comonly paid in such refuse contemptible goods as are not vendible but at under rates, *Be it therefore enacted by this present grand assembly that from the date of this act all debtors for the said impost shall pay the same either in actuall ready mony or else in good merchantable tobacco at the rate of two pence per pound.*

ACT VI.

Purvis 120, &
Edit. 1733 and
1752.

An act concerning the Salte worke at Accomack.

Preamble.

Provision for
increasing the
quantity of salt.

WHEREAS the 64th act of assembly held at James Citty, March the 23d, 1661, for encouragement of collonel Edmund Scarburgh in the erecting his salt workes prohibites the importation of any salt in the counties of Northampton and Accomack, but lays not any injunction upon collonel Scarburgh to provide sufficiently for the supply of the said counties, *It is therefore enacted by this grand assembly, that for the better supply of the said counties and makeing the better salt by degrees, collonel Edmund Scarburgh the undertaker of the said worke doe bring in or procure to be brought in salt to make salt upon salt, and bring a sufficient quantity thereof soe made to furnish the occasions of both the said counties, vizt. to Cherrystone creeke for Northampton county, and to his owne house for Accomack county, and to sell the same at the price sett in the said 64th act, and in case there should want a supply of salt in quantity and quality aforesaid sufficient for the said counties at the respective places aforesaid, that then it may be lawfull for them to purchase salt of any other person for their necessary supply only but not to sell any.*

ACT VII.

An act for the exacter discovery of concealed tythables

Edi. 1733 and 1752.

WHEREAS diverse masters of families, notwithstanding the many laws made to the contrary, doe conceale some of their family legally tythable, to a very considerable number (as may justly be suspected) in the whole country, and consequently enlarge the taxes of those that doe legally conforme, for remedy of the like abuses hereafter, *Be it therefore enacted by this grand assembly and the authority thereof* that every master of a family shall give an exact account of all tythable persons in their said family with their severall names to the next magistrate appointed to receive the list annually, by the tenth of June, and in case any such master of a family shall conceale any person or persons of his family, then every such concealed person and persons shalbe forfeited to him that shall make it appeare, unles he was bought after the tenth of June, but if any such concealed person being a servant hath lesse then a yeare to serve or if the person concealed be a freeman, then for every such person the master of the family shall forfeite one thousand pounds of tobacco, *Provided* alwayes that women servants be excepted out of this act, which whether they are tythable or not is referred to the county courts to judge and determine.

Purvis 121. Preamble.

Tithable persons concealed by their mas'rs forfeited to the informer, or if a free man or servant hav'g less than a y'r to serve, 1000 lbs. of tobacco.

Proviso, as to women serv'ts.

ACT VIII.

An act concerning the pursuite of runawayses.

Edit. 1733 and 1752.

WHEREAS the ordinary way of makeing pursutes after runaway servants by hues and cryes is by experience found ineffectuall for the recovery of them, and the pursuite at the perticular charge of the master oftentimes impossible, for remedy whereof, *It is enacted by this present grand assembly and the authority thereof* that pursuite after runaways be made at the charge of the country, for effecting whereof any justice at the instance of the master or masters of the servants runaway is hereby required, authorised

Purvis 121. Preamble.

Runaways to be pursued at public expense.

Proceedings, where they have escaped to the Dutch plantations. [The northern colonies were at that time so called.]

Expenses of apprehending how paid.

How information given to the master of the recovery his servant.

Master to give bond & security for paying expenses, or the servant to be sold or hired out.

How county reimbursed.

and impowered to issue his warrant for pressing boate and hands or other dispatches to make persuite, the charge whereof shall be defrayed in the next county levie; And in case the said fugatives shall notwithstanding such persuite make an escape to any of the Dutch plantations, *it is enacted* that letters be written to the respective governours of those plantations to make seizure of all such fugative servants, and to retorne them by the next convenient passage to any of the collectors of the rivers, the vessell that brings them in is bound to; And for satisfaction of their charge the said collector is hereby authorized to give them his certificate of the receipt of the servants and of the summe the charge amounts to, which being produced by the said importer or his agent to the next assembly or comittee for the levy the summe specified shalbe by them raised and paid the importer or his lawfull agent at such place as he shall desire.

And it is further enacted that the said collector shall with as much speed as may be, certifie the master of the said servant of his haveing him in his custody, and in case the said master of the said servant will pay the charge of his importation then the said collector is required to take the bill of the said master with security if needfull to the use of the publique, and to receive the same when due for the use aforesaid, and to deliver him or them their servants, who shall serve his or their master or masters for the time of his or their absence and charge disbursed according to a former act of assembly in that case provided, but if the said master or masters shall refuse to pay the charge, then the said collector is hereby impowered to sell the said servant or servants or to hire him or them for soe long time as may reimburse the publique disbursement; after which time expired. the said servant or servants shalbe returned to his or their master or masters, and serve him or them the remaynder of his or their tyme, and alsoe for the time of his or their being runaway, in which what he serves for satisfaction of the publique shall not be accompted, *It is further enacted* that if the said servant or servants be taken by the persuite of the county that the county shall have such satisfaction as the publique by sale or hire of the servant.

ACT IX.

An act for the halfe of all fines to bee paid to the informer.

Edit. 1733 and 1752.

WHEREAS severall penall acts of assembly referre the disposall of the fines to the assembly, who ever intended the halfe thereof to the informer yet for better encouragement of such, and better discovery of those that breake the law, *It is thought fitt to enact, and be it enacted by this present grand assembly that the halfe of all fines incurred on any person offending against any penall law be conferred on the informer and discoverer of any such offences.*

Purvis 123.

Preamble.

One half of all fines for breaches of penal laws to go to informer.

ACT X.

An act concerning forreigne debts.

Edit. 1733 and 1752.

WHEREAS it was omitted to be incerted in the *printed laws* of this country that monies due in England for any consideration not imported into this colony should not be pleadable here, *It is therefore enacted and declared* that the said act was never repealed, but that it hath alwayes bin and still doth continue in force, and that according to the tenor thereof noe debt whatever is pleadable against any inhabitant of this country but for goods imported in this country.

Purvis 123.

[See vol. 1, p. 256.]

A former act omitted in the *printed laws* declared in force.

Debts contracted in England not recoverable here except for goods imported.

ACT XI.

An act permitting persons under executions to redeeme their bodiēs with their estates.

Edit. 1733 and 1752.

SINCE the act for payment of executions in kinde exposed most men in the country to ruine, by the malice of their too rigid creditors, who by that act might, takeing this advantage (oftentimes when tobacco or money the two things most usually obliged for, were not in possibility to be procured,) detayne their persons in prison to the destruction of their credit, ffamilies, and ffortunes, *Be it therefore enacted by the*

Purvis 123.

[See vol. 1, p. 294, 346, 453.]

Preamble.

Act authoris'g
executions for
things in kind
repealed.

Tobo. or mon'y
alone recover-
able.

Drs. in execu-
tion, not hav'g
tobo. or money
how relieved,
by tendering
property.
But if whole
estate not suf-
ficient, the dr.
to remain in
prison.

*governour, councill and burgesses of this grand assem-
bly and the authority thereof* that the said act, as too
full of rigour, be repealed, and that instead thereof *it
be enacted* that when any person shall be laid under ex-
ecution for debt he shall first make oath, that he hath
not directly nor indirectly any specificall tobacco or
money to answe're the debt, and then shall tender an es-
tate to the treble value of his debt, and in case of dis-
ability an inventory of his whole estate upon oath to
the creditor who shall have liberty to make choice of
any of the estate soe tendered for satisfaction of his
debt which being appriz'd by fowre men chosen, two
by the creditor and two by the debtor, shalbe by the
sherriffe delivered to the creditor and the debtor be
acquitted, But if the whole estate will not satisfye the
debt, then the person of the debtor to remaine in pri-
son, and in case of disagreement betweene the debtor
and creditor either in choice of the estate or apprisers,
then it shalbe lawful for the next commissioner to ap-
point fowre indifferent persons to chuse, appoint and
apprise that part of the said estate as shall satisfye
the debts, and in case of their disagreement the said
next commissioner shalbe and hereby is impowred to
determine the controversie.

ACT XII.

An act concerning a stint.

Purvis 124 and
Edit. 1733 and
1752.

Proposals to li-
mit the plant-
ing of tobacco
to 20th of June
provided the
Marylanders
accede to it ;

WHEREAS at the last sessions of this assembly it
was proposed to the right honourable the governour
and councill that the confining ourselves not to plant
after the tenth of June would much tend to the ad-
vance of the value of tobacco besides the gayning
much time for preparing the ground for other uses
(always provided) that the inhabitants of the province
of Maryland would bind themselves in the like law,
*It is therefore by the governour, councill and burgesses
of this grand assembly enacted* that in case the in-
habitants of Maryland shall by March court next sig-
nifie their assent to that limitation of time to the ho-
nourable governour and councill, and the honourable
governor be pleased in Aprill following to certifie the
same to the severall counties by his proclamation, that

then what inhabitants soever in this colony shall plant or replant any tobacco after the twentyeth of June aforesaid, shalbe fined ten thousand pounds of tobacco, But if the Marylanders refuse their assent or the same be not certified in Aprill next as aforesaid, then it shalbe lawfull for all the inhabitants of this country to plant at any time, and to make their utmost benefitt possibly by seconds or slips at their discretion, this or any other act or acts to the contrary notwithstanding.

If not, inhabitants of this colony to plant when they please, & also tend seconds and slips.

ACT XIII.

An act respiteing the time for planting Mulberry Trees.

Purvis 107 and Edit. 1733 and 1752.

WHEREAS there hath been an impossibility of procureing soe many Mulberry trees as every proprietor of land is by act of assembly enjoyned to plant for his proportion, being ten trees for every hundred acres; this grand assembly takeing the same into their consideration *have therefore enacted* that the time shalbe respited for three yeares longer, vizt. untill the last of December, 1666, and that whoever shall then be defitient shall for every tree wanting be fined twenty pounds of tobacco being double the fine already imposed.

Time for planting mulberry trees extended 3 yeares.

ACT XIV.

An act for keeping holy the 13th of September.

Purvis 125 and Edi. 1733 1752 and 1769.

WHEREAS it is evident that certaine mutinous villaines had entred into such a desperate conspiracy as had brought an enevitable ruyne to the country had not God in his infinite mercy prevented it, this grand assembly to testify their thanks to Almighty God for soe miracnlous a preservation *have enacted* that the thirteenth of September, the day this villanous plott should have been putt into execution, be annually kept holy to keep the same in a perpetuall comemoration.

Preamble

The 13th of September annually to be kept holy.

ACT XV.

Edit. 1733 and
1752.

*An act repealing the act for ameracements.**

Preamble.

Act imposing
ameracements
on pltfs. & dfts.
in civil suits,
repealed.
[Ante p. 66.]

WHEREAS the act for ameracements in generall and county courts hath noe way diminished the number of litigious suites as was expected it would, nor contributed any thing to the supporte of the charge of the justices or advance of the publique as was intended, but hath only layd a greater burthen upon the poore who for disability to pay their debts are usually cast in the suite, *Be it therefore enacted by this grand assembly* that the clause of the twenty seaventh act of assembly made at James Citty be wholly repealed and from henceforth made voyd and null.

ACT XVI.

Edi. 1723, 1752
and 1769.

An act concerning entertainment of strangers.†

Preamble.

No recovery
for diet or stor-
age unless by
positive agree-
ment.

WHEREAS it is frequent with diverse inhabitants of this country to entertaine strangers into their houses without making any agreement with the party what he shall pay for his accomodations which (if the party live) causeth many litigious suites, and if the stranger dye lays a gap open to many avaritious persons to ruyne the estate of the person deceased, ffor remedy whereof for the future, *Be it enacted* that noe person not making a positive agreement with any one he shall entertayne into his house for dyett or storeage shall recover any thing against any one soe entertayned or against his estate, but that every one shall be reputed to entertayne those of curtesie with whome they make not a certaine agreement.

Various Readings.

* This act wholly omitted in Purvis, and the *Ch. Cit. & P. Rand.* MSS. and the title only inserted in edit. 1733 and 1752.

† This act wholly omitted in Purvis, and the *Ch. Cit. & P. Rand.* MSS. but the whole act inserted in Northb. MS. and edit. 1733, 1752 and 1769.

ACT XVII.

*An act concerning the Northerne Indians.**

Edit. 1752.

UPON serious debate and consideration had of those late troubles, and the meanes most likely to procure the future peace and safety of the country, *It is by this grand assembly and the auth rity thereof enacted* that the kings of Potomack and all the rest of the northerne Indians Werowances (a) and Mangais (b) that have given any cause of jealousie to the English shall, as soone as may be, deliver such hostages of their children or others as shalbe required; and if they or any of them shall refuse to deliver such hostages as shalbe required, that nation to be declared as an enemy and proceeded against accordingly; and if it shall at any time hereafter happen that any Englishman be killed or hurt, or any wayes injured by any Indian, that nation or nations nearest adjoyning where the murder or injury shalbe comitted shalbe enjoyned to use their best endeavour to bring in the Indian or Indians that comitted the offence, or else they to be declared the actors thereof and proceeded against accordingly, And if any strange Indians whatsoever not tributary to the English shall at any time come into any of their parts that they immediately raise all their force against them and take and pursue them as enemies, and in case they shall want any assistance from the English not haveing strength enough themselves, the nation or nations who desire it shall repaire or send some of his or their greate men to such officers of the militia as by the honourable the governour shalbe impowred, and informe him as neare as they can of the number of their enemies, which officers are hereby required to send such ayd to assist them as by their commission they shalbe impowred, And further that the king of Potomack and all the rest of the neighbouring Indians shall hereafter use all their care and diligence in finding the doers and ac-

Edit. 1733.

(a) Chief men.
(b) Another name for chief men.

Hostages to be required of the Indians.

Indians nearest to where an Englishman is murd'd to endeavor to bring in the murderer or declared the actors.

Strange Indi's coming among tributary to be pursued as enemies.

How assistance obtained from the whites.

King of Potomack to pursue late murderers, particularly the Doeggs.

Various Readings.

* This act wholly omitted in Purvis and the Ch. Cit. & P. Rand. MSS. the title only is inserted in edit. 1752, but the act at large in Northb. MS. and edit. 1733.

King of Potomack
not to coun-
sel with any
strange nation
until hostages
delivered

* Council.

Hostages to be
civilly treated
& brought up
in Eng. litera-
ture.

Annual allow-
ance to host-
ages for main-
tenance & edu-
cation.

Indians to have
equal justice
with whites.

Penalty for se-
ducing away
hostages.

tors of the late murders and other mischeifes done upon and to the English, and upon intelligence they cause the murtherers (or use their utmost endeavors) to be brought in, and that all the nations joyne and pursue the *Doeggs* who confessed to be actors in the first murders to the *Occanecheis* and *Monakins* or to any other place where they have intelligence, they or any of them are, and when they have found them, that they bring them to the English, and alsoe if any of the said *Doeggs* shall at any time hereafter come to truck or trade with them at any place, that they presently secure them and bring them to the English. *And be it further enacted* that the king of Potomack be enjoyned not to goe and hold *Matchacomico** with any strange nation without knowledge of the aforesaid officers of the militia untill the hostages be delivered according to the tenor of this act; And as we have endeavoured for the future to provide for the safety of the country that such hostages be delivered as shalbe required, soe it is alsoe enacted that the hostages to be delivered shalbe civilly used and treated by the English to whose charge they shalbe delivered, and that they be brought up in the English literature (a) soe farre as they are capable) and that the care of putting them forth and the disposing of all things belonging to them be humbly referred to the honourable governor who is humbly desired from time to time as he shall see cause to enquire of their usage, and that they be allowed (if there be not found persons willing to take them otherwise, and educate them as aforesaid) twelve hundred pounds of tobacco a yeare for each hostage for such maintenance and education; and for the Indians assurance under our government, *Be it enacted* that they shall have equall justice with our owne nation as the laws already made have provided; *And be it further enacted* that in case any of the said hostages shalbe seduced or carryed away by any Indian, or otherwise depart out of the lymitt prescribed, that any nation enterteyning such hostage or not bringing him back, shalbe held declared and proceeded against as enemies.

Various Readings.

(a) 'Literature' in Northb. MS. 'liturgy' in edition 1733, but clearly a mistake.

SEPTEMBER, 1663—15th CHARLES II.

ACT XVIII.

*An act prohibiting servants to goe abroad without a lycence.**

FOR better suppressing the unlawful meetings of servants, *it is thought fitt and enacted by this present grand assembly and the authority thereof* that all masters of families be enjoyned and take especial care that their servants doe not depart from their houses on Sundayes or any other dayes without pertculer lycence from them, and that the severall respective counties (as they find cause) to take espetiall care to make such by laws within themselves, as by the act dated the third of December 1662, they are impowred as may cause a further restraint of all unlawfull meetings of servants and punish the offenders.

Serv'ts not to go from home with't special license from their masters.

County courts enjoined to make by laws prevent'g unlawful meet'gs of servants

ACT XIX.

An act for the adjournment of the assembly.

BEE it enacted that this assembly be adjourned until the twentyeth of March 1664, unless the honourable governour see cause to call it sooner.

Adjournment of Assembly.

Signed by Sir WILLIAM BERKELEY,
Governor.
ROBERT WYNNE, Speaker.

(The signature from note to edi. 1733 & 1752.)

Various Readings.

* This act wholly omitted in Purvis, and *Ch. City and P. Rand.* MSS. and the title only inserted in edi. 1733 and 1752.

*AT

AN ASSEMBLY,

HELD AT JAMES CITY

BY PROROGATION FROM THE (a) OF DECEMBER
[1662] TO THIS 10TH OF SEPTEMBER 1663, 15

CARO. 2d, DEI GRATIA MAGNÆ BRITANNIÆ

FRANCIÆ ET HIBERNIÆ REGIS FIDEI

DEFENSOR, &c.

The Honourable Sir WILLIAM BERKELEY Knt. Go-
vernour and Capt. General of Virginia.

Captain ROBERT WYNNE Speaker.

Burgesses present.

Henrico County. Capt. Wm. Ferrar.
Charles City. { Capt. Wynne, Speaker,
 { Mr. Stephen Hamelyn,
 { Capt. Francis Gray.†

* This is taken from a MS. purchased by Thomas Jefferson, late President of the U. States, from the executor of Richard Bland, deceased, and contains a journal of the proceedings of the last assembly, as is evident not only from the date, but from the matters discussed. Many of the acts of this session grew out of the propositions here submitted.

(a) There is a blank in the MS. for the day of the month; and after the word 'December' should be inserted '1662.' See the beginning of the acts of 1663.

† It appears rather singular that any county should send more than two burgesses, after the act of March, 1661-2, (ante pa. 106) limiting them to that number. Afterwards, by the 7th act of 1669, each county was compelled to send two burgesses. Perhaps the additional number, which appears at this session in the representation of some of the counties, arose from the equity if not the words of the before mentioned act of March, 1661-2 (ante pa. 106) which gave one representative to every county that would lay out 100 acres of land, and people it with 100 tithable persons.

James County.	{ Capt. Robt. Ellyson, Mr. Walter Chiles, Capt. Edward Rainsey.
Surry County.	{ Mr. Thomas Warren, Capt. Wm. Cockerain.
Isle of Wight.	{ Major Nichalas Hill, Capt. Joseph Bridger, Dr. Robt. Williamson.
Nansemund.	Mr. George Wallings.
Lower Norfolk.	Major Lemuel Mason.
Elizabeth City.	{ Capt. John Powel, Coll. Leonard Yeo.
Warwick.	Major Edward Griffith.
York.	Leit. Coll. Barber.
New Kent.	Coll. Wm. Claiborne.
Gloster.	{ Capt. Peter Jennings, Capt. Thos. Walker.
Lancaster.	Mr. Rawleigh frances.
Rappahanock.	{ Mr. Thomas Lucas, Capt. John Weye.
Northumberland.	Mr. Wm. Presley.
Westmoreland,	Coll. Gerard Fowke.
Northampton.	{ Leit. Coll. Kendall, Major Wm. Andrews.
*Accomak.	{ Mr. Devoreux Browne, Mr. Hugh Peo.

Major Edward Griffith and Mr. Walter Chiles sent to the governor to acquaint him that the house was met, and to request him to appoint a time when the house should wait upon him to receive his honourable commands.

* Accomack was one of the original counties of Virginia, established in 1634, (see vol. 1, p. 224;) afterwards, in 1642-3 its name was changed to Northampton (see vol 1, p. 249) It being one of the first settlements in Virginia, was called the *plantation of Accawmacke*, long before counties were laid off; and even after the name as a *county* sunk into that of Northampton, it was often mentioned by its original name. This is the first appearance of the name, among the *counties*, since the year 1642-3. In Mercer's Abridgment it is stated to have been formed in 1672. Perhaps it then resumed its original name

September 11th, 1663.

THE house called, and orders read, a committee was appointed to examine the election of burgesses newly returned.

Major Edward Griffith Chairman.

Captain Robert Ellison,	Mr. Walter Chiles,
Major Nicholas Hill,	Capt. Joseph Bridger,
Mr. Wm. Presly,	Capt. Thos. Walker.

Oaths administered.

The oath alleagiance, supremacy and burgesse ministred to capt. Peter Jennings, leiut. coll. Kendal, Mr. Thomas Lucas, Mr. John Weye, coll. Gerd Fowke, Major Wm. Andrews, Mr. Devoreux Browne. Mr. Hugh Yeo.

September 12th, 1663.

John Porter, a member, expelled for his attachment to Quakers, his opposition to baptism of infants, and his refus'g to take the oaths.

WHEREAS Mr. John Hill high sheriff of Lower Norfolk hath represented to the house that Mr. John Porter, one of the burgesses of that county was loving to the Quakers and stood well affected towards them, and had been at their meetings, and was so far an anabaptist as to be against the baptising of children, upon which representation the said Porter confessed himself to have and be well affected to the Quakers, but conceived his being at their meetings could not be proved, upon which the oaths of alleigiance and supremacy were tendred to him which he refused to take; whereupon it is ordered that the said Porter be dismissed this house.

The house is adjourned till Monday morning.

Die Lunæ September 13, 1663.

Public committee.

A COMMITTEE appointed to consider of the publick affairs.

Major Griffith.

Capt. Jennings,	Capt. Ellison,
Mr. Bridger,	Mr. Chiles,
Mr. Hamylin,	Mr. Lucas.

GEORGE the Armenian having proved the making of ten pounds of wound silk it is ordered there be paid him for his encouragement in the levy according to act. Premium for silk made.

JOHN DOLBY procuring certificate that he had made and wove nineteen yards of woolen cloth in Northton county, the assembly hath ordered him the encouragement according to act being tobacco. Premium for cloth wove

JOHN PITTE producing certificate that he had built a vessel of 28 tuns in the Isle of Wight county, the assembly ordered him the encouragement of accordingly. Premium for a vessel built.

WHEREAS Mr. Theodorick Bland hath produced an account of things sent in for the use of the country by Mr. John Bland. The assembly hath approved the account and ordered that 207 16 9 be paid to the said Mr. Theodorick Bland for the use of his brother Mr. John Bland out of the collections in his own hands the year, being the total sum with advance amounts to. And if any errors appear, to be rectified, and whatever the honourable governor and Mr. Bland have made use of to be accountable for it to the standing committee of the whole house, and whatever they have that they will not make use of that they be desired to dispose of and give an account thereof to the committee or assembly, and that a letter of thanks be written to Mr. Bland in England by Mr. Speaker as from the house. Appropriation for reimburs'g John Bland, in Eng. for his advances for the colony.

A letter of thanks.

WHEREAS colonel Edward Hill received of the county 27 odd money for powder and shot. It is ordered that Mr. Speaker be empowered and desired to call the executors of the said coll. Hill to account for the same and to receive the powder and shot. Col. Hill's representatives to account for powder and shot.

A guard to be enlisted for the gov. & counsel & the burgesses, while attend'g the assembly.

Their pay.

WHEREAS there appears at present an emergent necessity for raising a guard for the governor council and assembly. It is therefore ordered that there be twenty men and an officer raised by appointment of the honorable governour to attend his person at all all such times as his honour shall think fit to command them and especially at the general courts and assemblys; *Provided* that during the session of the assembly half the said guard shall attend upon the burgesses under the command of an officer of their appointment; and it is further ordered that there shall be raised for payment of the said guard 45,000lb. of tobacco, vizt. for each souldier 2000 pound, and for the officer 5000 to be continued so long as the assembly shall find occasion.

Conference with commissioners from Maryland, as to the means of improving the staple of tob'o.

IN conference held at Mr. Alestons in Wickocomoco in Virginia the 2d of May, 1663, by the commissioners appointed by the right honourable Sir William Berkeley Knt. governour and captain general of Virginia, on the behalf of Virginia, and the commissioners appointed by the honourable Charles Calvert Esq. lieutenant and chief governour of Maryland on the behalf of that province.

WHEREAS his majesty of Great Brittain, France & Ireland has taken into consideration the present necessities as well of this colony of Virginia as of the province of Maryland belonging to the Lord Baltimore hath by his order of the 29th of June 1662, commanded that commissioners be appointed for each government to meet and consult of the best means of the advancing the only comodities of those countries tobo. We the subscribed commissioners have therefore in obedience to his said majesties royal commands considered several ways of improving the said comodities and have concluded the only best way to be the lessening the great quantities now made which gluts all markets, and of many ways of lessening it, a stint of certain days of planting to be the most fit and of easiest practice, and do therefore conclude and agree.

Terms of the compact.

First. That it be proposed to the respective assembly of each government that no tobacco shall be planted or sowed in either colony in the succeeding years

1664, after the 20th day of June upon such forfeiture and punishment as shall be thought fit by the said assembly effectual for such restraint, and that the said restraint be continued for one year only unless the said assemblies shall think fit to continue it longer.

Secondly. It is agreed on by the commissioners aforesaid that in order to the confirmation of the above said agreements the governour of Maryland shall cause an assembly of that province to meet about the middle of September, and to send the result of the said assembly unto the governour and assembly of Virginia with all convenient speed they may.

And lastly, it is concluded on for the mutual satisfaction of both the said governments that the governour and council of both the said colonies shall be sworn solemnly by commissioners appointed on either side to take their oaths to do their utmost endeavours to cause the said law for stinting (if confirmed) to be duly executed according to the true intent and meaning of these propositions.

To be recommended to the legislatures of the respective colonies.

Thos. Ludwell Sec.
Richd. Lee,
John Carter.
Robert Smith,
Henry Corbyn,

Philip Calvert,
Henry Sewall Sec.
Edward Koydes,
Henry Coursey.

This is very earnestly recommended to the consideration of the assembly by the governor and council the 16th Sept. 1663.

Recommendation of the governor & council.

THOS. LUDWELL Sec.

This is by the assembly assented to and ordered to be enacted in case the Marylanders signify their assent by March court next.

Provisionally adopted by the assembly.

Test, H. R. C. A.

(i. e. *Henry Randolph, clerk of the Assembly.*)
Note by the editor.

Propositions humbly presented to this honourable assembly.

Propositions for amendm't of laws

THAT the act that every debtor under execution for debt should be detained in prison until he hath paid the debt in kind be repealed, the reason is

Concerning debtors pay'g in kind.

because many times our country comodities being not alwaies ready the creditor takes the advantage of that act and forces the debtor to unreasonable compliance.

Concern'g the
planting tob'co.

Secondly, that the act binding men to plant tobacco no longer than the tenth of July in every year be repealed because the people of Maryland have priviledge to plant as long as they please, soe they having such a priviledge and we bound up it will be a great benefit to them and a ruin to us.

Concern'g the
planting mul-
berry trees.

That the act for planting of mulberry trees may be repealed it being very prejudicial to such as want clear grounds and are not in a capacity at present to fulfill the same without great prejudice, and it is humbly conceived that (if it be beneficial) men as they find themselves in a capacity will fall upon it without constraint.

Concern'g the
exportation of
hides.

It is humbly proposed that the acts concerning hides may be enlarged to calves and deer skins so well as hides, and that a commission throughout the country may be qualyified by injunction in the act to receive all proofs that shall be presented them for detecting those persons that convey hides or skins out of the country contrary to the act and to give warrants for sumoning witnesses and order to make search for hides and skins.

Calves skins and deer skins included; any perticular justice to send a warrant for search; 3 or more one being of the quorum to take evidences.

Proposition of
Col. Scarburg
concerning the
entertainment
of Indians,
with't badges.

WHEREAS there is thefts committed dayly on the south side of James river by the Indians, as stealing of hogs, robbing of hedges in the night, stealing tobacco and corn out of the fields, and our neighbouring Indians being taxed therewith, say that it is by the Tuscarodoe Indians which lie skulking about our English plantation and there covertly have underhand dealings with the English and can never be taken by reason the law prohibiting the Indians to come within the English bounds without badges doth only inflict a punishment upon the Indians so coming but no mulct upon the English for not taking such Indians as come in without badges, so by reason of their sinister ends the law is seldom put into execution for prevention of which mischeif or peradventure a greater

if not timely prevention put a stop to it, it is humbly proposed that if any Indian or Indians shall be found at the house of any English within the English bounds not having a badge with him or them according to law, that then the Englishman so entertaining such Indian or Indians pay the like value as in amerced for the Indians to pay, and the one half of both to the informer.

And I will thank, praise, and go on with them in the work.

Your honours most humble servant,
EDMUND SCARBURGH.

7br. 15th, 1663.

*To the honourable the House of Comons.**

Thomas Ludwell Sec. presenteth.

THAT he being enjoyed by act of assembly to take care that the writts for election of Burgesses be sent into every county that the returns may be timely made and the assembly meet according to appointment which prevents the great expence the county† was formerly at, occasioned by the remiss appearance of a greatest part of the house upon pretence that they had not timely notice for such elections, which injunctions he hath hitherto performed, and when he fails he is liable by the said act to such a fine as the house shall please to lay upon him, and on the contrary he is to receive as a reward for his care and expence a hogshead of tobacco weighing three hundred and fifty pounds for every county; he therefore humbly requests that the said sum now due unto him by the said act, and which may hereafter be so, may be charged upon the publick and not on each county, which he would not desire if he judged it unreasonable, but on the contrary it appears to him to be the same thing to the country though it be much better for himself, or if any odds be, it is that small counties are releived who as it is now laid do pay as much as the greatest, which if you please to grant him he shall receive it as an especial favour as being,

Granted. Our most humble servant,
THOMAS LUDWELL.

Let'r from the secre'ry to the assembly, on the subject of sending out writs for election of burg's proposing that his compensation be paid by the public, & not by the counties.

* At this session, for the first time, the House of Burgesses has been called the *House of Commons*.

† 'County' in MS. but it seems that it should be 'country.'

September 16, 1663.

Propositions in
a grand com-
mittee.

A reward of
freedom and
5000 lbs. of to-
bacco to Ber-
kenhead, who
discovered the
plot of the
13th of Sep-
tember.

The 13th of
Septemb. to be
annually kept
as a holy-day.

Whether it
would not be
more profitable
to purchase a
stateh'se than
to pay annual
rent, & disho-
nor themselves
by sitting in
ale houses.

Premium for a
vessel built.

Unanimously
determ'd that
the most equal
mode of taxa-
tion is by lay'g
a levy on land,
and not a poll
tax.

THE house resolved into a gra. committee while some propositions are treated of.

Since rewards for the encouragement of the good are as necessary as punishments for the terror of the cruel.

Whether it be not fit to bestow upon Berkenhead the discoverer of the horred plot some considerable reward for encouragement of the good affections of others to be publick.

Resolved That Berkenhead have his freedom and five thousand pounds of tobacco given him in Gloster county and that his master be satisfied in the said county for his time.

Since the least mercy we receive from Gods hands challenge our dayly thanks, whether it be not fit for so transcendent a favour as the preserving all we have from so utter ruin, deserve not to have an annual solemnity celebrated to keep it in remembrance.

Resolved that the 13th of September be annually kept holy, being the day those villains intended to put the plot in execution.

Since the charge the country is yearly at for houses for the quarter courts and assemblys to sit in would in two or 3 years defray the purchase of a state house.

Whether it were not more profitable to purchase for that purpose then continue for ever at the expence, accompanied with the dishonour of all our laws being made and our judgments given in alehouses.

Ordered that Peter Petterson be allowed for building a vessel of 26 pounds the encouragement according to act being 1300 tobacco.

It is unanimously concluded and assented to by the governor and counsel that the most equal way of paying taxes is by laying a levy upon land and not upon heads; and it is therefore proposed that* the governor and council unto the house of comons accordingly.

WILLIAM BERKELEY

The house adjourned till to-morrow morning.

* 'That' in MS. but quere if it should not be 'bv.'

September 17, 1663.

SINCE the stakes of the old wars about the town are so prejudicial and dangerous to boats landing.

Concern'g the stakes in front of the town

Whether it be not fit to order the townsmen to pull up all the stakes and not to build new ones in the face of the town.

Whether any councillor having been above a year out of the country shall have the privilege of the exemption of ten persons.

Councillors absent'g themselves, not exempted from levies.

Resolved that in regard that exemption was only for such as did personally assist as councillors in the country that they who have been a twelve month out of it should have no benefit of that priviledge.

The house adjourned till the afternoon.

ORDERED to treat with the governor about a state house. Coll. William Barber, coll. Gerard Fowke, lieut. coll. Kendal, Mr. Thomas Warren, excused for sickness, Mr. Rawleigh Traverse, Mr. Thomas Lucas.

Committee to treat concern'g a state-house.

The order of the 2d of December 1662 is continued to the time the act is.

September 19, 1663.

THE committee appointed to examine the business of the king of Potomack.

Committee to examine into the business of the king of Potomack.

Major Edward Griffith.

Capt. Peter Jennings,	Capt. Robt. Ellison,
Mr. Joseph Bridger,	Dr. Robt. Williamson,
Major Rich Hill,	Major Lem. Mason,
Capt. Wm. Cockeram,	Major Wm. Andrews,
Capt. Wm. Ferrar,	Capt. Thos. Walker.

The house is adjourned till the afternoon.

ORDERED that what member soever be absent at the beat of the third drum on Monday morning shall be fined a hogshead of tobacco.

Penalty on members absent at the beat of drum.

The house adjourned until Monday morning the third drum.

The oath of Burgesses.

Oath of a bur-
gess.

YOU & every of you shall swear upon the holy evangelist and in the sight of God to deliver your opinions faithfully, justly, and honestly according to the best understanding and conscience for the general good and prosperity of this country and every particular member thereof, and do your utmost endeavour to prosecute that without mingling with it any particular interest of any person or persons whatsoever, so help you God and the contents of this book.

ORDER

Rules of the
house.

Orders to be observed in the house.

Absence.

THAT no burgesse shall absent himself from attendance on the house (without the leave first obtained of the house or prevented by sickness) when any matter shall be debated of, but that every member shall keep good order and give good attention to the reading or debating of whatsoever shall be proposed or presented to the consideration of the house; and that every burgesse shall with due respect address himself to *Mr. Speaker* in a decent manner and not entertain any private discourse while the public affairs are treated of.

Order.

Address,
'Mr. Speaker.'

Pen'ty for ab-
sence.

2. That every member of this house for each time of his absence upon call of the clerk shall forfeit twenty pounds of tobacco, lawful impediments excepted.

Intoxication,
penalty for

3. That the first time any member of this house shall be adjudged by the major part of the house to be disguised with drink, he shall forfeit one hundred pounds of tobacco, and for the second time he shall be so disguised, he shall forfeit three hundred pounds of tobacco, and for the third offence one thousand pounds of tobacco.

Memb. speak-
ing, to rise
from his seat
and be un-
covered.

4. That upon debate of any thing proposed by the speaker, the party that speaketh shall rise from his seat and be uncovered during the time he speaketh, wherein no interruption shall be made until he hath finished his discourse upon the penalty of one thousand pounds.

5. That no irreverence or in (a) form of speech be uttered in the house by any person against another member of the house upon the penalty of five hundred pounds of tobacco. No personalities to be permitted.
6. That to the end all things may be more orderly discoursed and debated on, no member having once delivered his opinion about any matter proposed, during which time he shall not be interrupted, shall make any further reply about that proposition that time of the debate, that so every one may have liberty to declare his judgment and the confused multitude speaking at once be avoided, upon the penalty of twenty pounds of tobacco. No member to speak more than once on a proposition
Penalty.
7. The several fines to be disposed of by the major part of the house upon every Saturday in the afternoon. Fines, how disposed of.
8. That every member that shall pipe it after the house is begun to be called over, until adjournment or publick licence by consent of the major part of the house in the vacancy from any business, shall be fined twenty pounds of tobacco. Penalty for piping it, in the house without leave.

(a) There is a blank in the MS. See vol. 1, pa. 508. where the word 'indigne' is used, in a similar rule.

GRAND ASSEMBLIE.

Sir W. Berkeley, governor.

HELD AT JAMES CITTIE BY PROROGATION FROM SEPTEMBER THE TENTH 1663, TO SEPTEMBER THE 20TH, 1664, AND IN THE SIXTEENTH YEARE OF THE RAIGNE OF OUR SOVERAIGNE LORD KING CHARLES THE SECOND.*

ACT I.

Edi. 1733 and 1752.

Priority of payment to the country creditors.

Purvis 125.

Preamble. 7

Judgments for debts contracted in Virginia to be first rendered, & have prop'ty in payment.

WHEREAS many persons coming into this country possessed of visible estates doe by that meanes obteyne credit here and contract several engagements, notwithstanding which engagements past for valuable considerations, it often happens that the whole estate is by pretended accounts out of England and other forreigne parts taken away, and the country creditors deprived by that meanes of their just dues, which the present grand assembly taking into their serious consideration *have therefore enacted* that in such cases all courts shall give priority of judgment for debts contracted in the country, if the clayme be made within twelve months, before which tyme noe forreigne debt shalbe pleadable unlesse there be assets (a) remaining after the country debts are paid; But this assembly intending hereby only the prevention of fraud, not the prejudice of any just creditor that hath *bona fide* adventured his goods into this

Various Readings.

* The commencement of acts of this session taken from the Ch. Cit. and P. Rand MSS. In the Northumberland MS. it is, 'Att a GRAND ASSEMBLY held at James Citty, September the 20th 1664, Annoq. Regni. Regis Caroli scdi. 16.'

(a) 'Effects' in Purvis, 'assets' in Northb. Ch. Cit. & P. Rand MSS

country, have therefore further enacted that if any ffactor comeing out of England or any other of his majesties plantations, shall within two months after his arrivall make entry in any court of record of the name of the person adventuring by him, and the value of the goods adventured, every such adventurer shall, if the ffactor dye have equall right of pleading with the inhabitants of this country ; But in case noe such entry be made, all goods imported then shalbe taken to be the proper estate of the possessor ; And to the end that all merchants and all persons concerned may have notice hereof, *It is further enacted* that this act shall not be in full force untill the first of March 1665.

Factors, by entering the names of their principals in crt. may secure to them equal advantages with inhabitants.

Commencem^t of this act.

ACT II.

ffronteers to be seated with ffowre able men.

WHEREAS experience hath evidenced that the weaknes of ffronteer plantations hath animated the Indians to commit severall horrid murders, this grand assembly endeavouring as much as may be the prevention thereof for the future, have enacted, and by these presents doe enact that noe person shall hereafter seate above the plantations already seated but with fowre able hands well armed at his first sitting downe, provided that such persons as have already pattented land in any remote parts may have seaven yeares granted them to strengthen each perticuler plantation with the aforesaid number of ffowre men or else desert their land.

Edit. 1783 and 1752. Purvis 126.

Preamble.

Plantations on the frontiers to be settled with 4 able hands, well armed

Proviso.

ACT III.

Liberty to plant.

WHEREAS many endeavours have been made to enduce the province of Marryland to comply with this government in the endeavours of lessening the quantity and advance the value of tobacco, which could it have beene effected had undoubtedly very much augmented the happiness and prosperity of both

Edit. 1783 and 1752. Purvis 127.

Preamble.

All acts & proclamations laying restraints on the planting of tobacco repealed; the government of Maryland refus'g to accede to any arrangement on that subject.

countries; but since the government of Maryland have after soe many treaties and frustrated expectations still continued their averseness, this grand assembly not thinking fit to lay a restriction upon this government while they have soe greate a liberty *have therefore repealed, annulled, and doe by these presents repeale and annull* all acts and proclamations whatsoever any way restrayning the inhabitants of this country from making the utmost benefit of their labour this ensueing yeare.

~~CONFIDENTIAL~~

ACT IV.

Edit. 1733 and 1752.

An act for proportioning all actions to the forenoone and afternoone.

Purvis 127

Preamble.

Writs to be returned to gen. court, some to the forenoon & some to the afternoon, of each day.

WHEREAS the dispatch of business in generall courts is very much retarded by the liberty granted to all persons arrested to the said courts to appeare at any tyme within the day assigned in the writt, by the plaintiffs, by which meanes most causes are referred to the afternoones, and that tyme being insufficient to heare and determine the said causes, the court is thereby necessitated to put business out of course by referring them to the next morning; for prevention of which inconvenience, this grand assembly *have thought fit to enact, and be it by the authority thereof enacted* that all writts that shall for the future issue out of the secretaries office returnable to the generall court shall be devidid according to the respective dayes into ten for forenoone, and ten for the afternoone, and if the plaintiff shall at that tyme faile in appearing to prosecute, a nonsuite may be granted against him, and judgment against the defendant or baile or sherriffe in case the defendant faile of his attendance to answer.

~~CONFIDENTIAL~~

ACT V.

Edit. 1733 and 1752.

Purvis 128.

Preamble.

An act concerning the regulating the Secretaryes office.

WHEREAS it is evident that in all countries the well or ill keeping of the records is of the highest consequence as being the only meanes to preserve

* The running title of the acts of this session in edit. 1733 and 1752. is, 'Anno decimo sexto Caroli secundi regis.'

the rights and proprieties of all inhabitants of the same, and since it appears that there hath beene a great neglect in keeping the records in this country, for remedy whereof for the future, This grand assembly at the instance of the present secretary Thomas Ludwell esq. *have thought fitt to enact, and be it by the authority thereof enacted* that capt. Robert Ellison, Mr Walter Chiles, and the clerke of the assembly be appointed by the house to examine and state the records as they now are; And that for the future soe soone as there is a place convenient to receive them, noe person may have a view of them (unlesse upon publique order) but the clerke of the office or whome else the secretary shall appoint; It being impossible to keepe the records certaine, when they are prostituted to the view of every one that will looke into them, who may as their interest leads rend out what may make against them, *Provided* that any person haveing occasion may be with the clerke when he makes his search, for which search there shalbe paid to the clerke for his ffee one shilling or ten pounds of tobacco besides paying for the cobby of the thing searched for, *And it is further enacted* that but halfe that ffee shall be paid to the clerke for search in the county court records.

Certain persons to state the present condit'ns of the records.

No person to view them but by public order except the clk. or other pers'n appointed by the secretary.

Proviso.

Clerk's fee for a search.

ACT VI.

An act for convening of the people upon the summons of the burgesses to adjourned assemblies.

Edit. 1733 and 1752.

WHEREAS the principall end of convention of assemblies is the making provision for the peoples safety and redresse of their Greivances, which being usually made knowne to the burgesses of the respective counties att the place and time of their election, which upon adjournment of assemblies is not done by the reason the sherriffes doe not make publication of their summons, *wherefore it is by the grand assembly and authority thereof enacted that upon issueing the summons (a)* for convention of the burgesses at this or

Purvis 128.

Preamble.

Notice to be given to the people by publication in the parish churches, of the con-

Various Readings.

(a) The words 'upon issueing the summons,' omitted in Purvis
VOL. II. 2 D

vening of the
burgesses that
they may make
known their
grievances.

future assemblies adjourned, timely notice may be given to the people by publication in the parish churches of the day appointed by the sherriffe for their meeting at the usuall places of election to present their greivances to their burgesses.

ACT VII.

An act concerning Widdows thirds.

Edi. 1733 and
1752.

Purvis 129.

Dower to be
allotted ac-
cord'g to quan-
tity & quality,
and the widow
to have choice
of a third after
division.

WHEREAS some doubts have risen about the proportioning and assigning the thirds of the estate of persons intestate to their widdows, *It is, for explanation, enacted by this grand assembly and the authority thereof* that the estate of all persons intestate, or (a) where the will is doubtfull, whether personall or reall, vizt. land cleered, or wood land, and houseing may be according to the quantity and quality of the said land and houseing divided equally into thirds, and the widow to have her choice after the division.

ACT VIII.

An act repealing the act concerning impost of rum.

Edi. 1733 and
1752.

Purvis 129.

Act imposing
a duty on rum
& pavele sugar
repealed.
[See ante pa.
125]

WHEREAS there was by a former act of assembly made at James City, March 20th 1661. an imposition laid upon rum and pavele sugar; the house upon consideration of the difficulties of collecting the said impost, and the defining pavele sugar, and principally the obstructions it may bring to the trade of the country have thought fit to enact that the said act may be totally repealed.

Various Readings.

(a) The Word 'or' omitted in Purvis, and Ch. Cit. and P. Randolph MSS. which entirely varies the sense.

ACT IX.

An act concerning arrests in Court times.

WHEREAS diverse persons repaying to James Citty in the times of quarter courts and assemblies, some about service of the publique, some to give evidence, others to prosecute their other occasions, which by the malice of some persons takeing them at an advantage are arrested to a present answer, ffor feare whereof diverse persons doe absent themselves to the greate prejudice of the publique affaires and the obstruction of justice, *It is therefore ordered* that noe arrests five dayes before the general courts or assemblies or five days after the general courts or assemblies be served upon any person at James Citty, except he be an inhabitant of that county.

Edi. 1733, 1752
and 1769.

Purvis 130.

Witnesses suitors and others privileg'd from arrest, at Jas. City, five days before & after gen courts & assemblies, except inhabitants of James City county.

The original signed by Sir Wm. BERKELEY, *Gov'r.*
ROBERT WYNNE, *Speaker.*

(Note to Northumberland MS.)

*AT A

GRAND ASSEMBLIE,

HELD AT JAMES CITTIE

BY PROROGATION FROM SEPTEMBER THE TWENTIETH
1664, TO OCTOBER THE TENTH 1665, AND IN THE
SEVENTEENTH YEARE OF THE REIGNE OF OUR
SOVERAIGNE LORD KING CHARLES
THE SECOND.

ACT I.

An act impowring a justice of the peace to grant attachments.

Edit. 1733 and
1752.

Purvis 130.
[See vol. 1, p.
409, 471.]

Attachments
grantable by a
single justice,
ag'st abscond-
ing debtors.

How replevied.

Security

WHEREAS it hath beene scrupuled whether a perticuler justice of the peace might in any case issue an attachment, *this assembly hath thought fit to declare* that in case of suspicion of any persons intention to remove out of the county where he dwells, either to conceale himself in the country or withdraw himselfe out of the county whereby the ordinary proceedings at law cannot be had against him, it is and may be lawfull for any justice of the peace to issue an attachment against soe much of the estate of the said person soe suspected to remove, as by the clayme made shall in his judgment appeare due to the creditor, repleviable by security given or appearance at the next court, *Provided* that the said justice take sufficient security of him that desires the attachment to pay the damage the court shall award to the defendant in case the plaintiffe be cast in the suite.

* From the Ch. Cit. MS. In the Northb. MS. the commencement is, 'Att a Grand Assembly held att James Citty, October 10th Anno no Dom. 1665, Annoq. Regni Rs. Car. Sedi. 17 0.'

ACT II.

An act repealing the act laying a tax upon horses. (a) Edit. 1733 and 1752. Purvis 131.

WHEREAS the act for levying the encouragement for killing of wolves upon horses by reason of the greate inequallity thereof imposeth too greate a burtnen upon those fronteer counties which have most wolves killed, and fewest horses to beare the charge; *It is therefore enacted by this present grand assembly and the authority thereof* that that act shalbe, and hereby is repealed, and the former law for paying the encouragement per poll be revived and continued.

Act XIX of Dec. 1662, repealed.

ACT III.

An act prohibiting the sale of armes to Indians. Edit. 1733 and 1752. Purvis 131.

WHEREAS there was formerly a law in force prohibiting the sale of armes, ammunition, or guns to the Indians, which upon consideration of the said Indians being furnished by the Dutch was omitted; It being then thought impolitick to debarre ourselves from soe greate an advantage as might accrue to us by the Indian trade, when we could not prevent their supply; yet since those envious neighbours are now by his majesties justice and providence (b) removed from us, and the trade now likely to be in our hands, and none to furnish them besides ourselves, who in these times of eminent danger have scarce ability to furnish our owne people, (c) *It is therefore enacted by this grand assembly and the authority thereof* that the sale of armes, gunpowder, and shott be wholly prohibited; and that whoever contrary to the intent of this act shall by himselfe or any other sell or barter powder, shott, gun or ammunition to any Indian, shalbe fined ten thousand pounds of tobacco or suffer two yeares imprisonment without bayle or mainprize for the first offence, and for the second to be proceeded against as ffellons.

[See vol. 1, p. 219, 255, 441, 525.]

Sale of arms & ammunition to Indians prohibited.

Penalty.

Various Readings.

(a) The title of this act varies in Purvis from that of the *Ch. Cit.* and *P. Rand.* MSS. and the edi. 1733 & 1752; and they all differ from the Northb. MS. which is certainly the most correct.

(b) 'Prudence' in Purvis.

(c) 'Wants' in Purvis

ACT IV.

Purvis 132, &
Edit. 1733 and
1752.

*An additionall act for better restraining the exportation
of hides.*

Further re-
straints on ex-
portation of
hides, & ex-
tended to lea-
ther & shoes.

WHEREAS the act against exportation of hides and leather lay not equall injunction and penalty on tanners for exporting shoes and tanned leather, nor on masters of ships, as is laid on seller and buyer of hides and leather to be exported, it is enacted for further strengthening thereof, and better prevention of such exportations that it shalbe inserted by the collectors in the bonds of all masters and comanders of ships to be lyable for all hides and calveskins and deer skins that shall with his knowledge be brought on board or be exported in any of their ships or vessells except such as they shalbe lycensed to carry for the shippes necessary occasions to the number of eight at most for a greate shipp, and for a smaller shipp accordingly, the said lycenses to issue from the severall collectors before such hides are shipped, and to be marked by the said collectors, and that all owners of tanhouses and other persons that shall exporte or sell to be exported any shooes, hides or leather shall forfeite and pay for each hide or deer skin soe sold to his knowledge to be exported, one thousand pounds of tobacco, and for each paire of shooes sold to his knowledge to be exported one hundred pounds of tobacco, and the like penalty to be layd on all that shall buy any tanned hides, skiis, or shooes to export, or found aboard to be exported.

 ACT V.

Edit. 1733 and
1752.
Purvis 132

How judgment shall be given upon penall acts.†

WHEREAS several doubts have arisen in giving judgment upon a penall law, as stealing of hoggs, takeing away of boates, and the like, where se-

Various Readings.

* The running title of the acts of this session in edit. 1733 and 1752. is, 'Anno decimo septimo Caroli secundi regis.'

† The title of this act, in Purvis, is 'An act concerning the intent of some former penalties.' In the *Ch. Cit. & P. Rand.* MSS. and the editions of 1733 & 1752 the same, except the words 'penal acts' instead of 'penalties.'

verall persons may be actors in committing the same offence, vizt. whether the penalties imposed are to be leyed upon all the actors in general and the payment of the penalty specified in the act by any one should acquitt the rest or else judgment passe for the entire summe against every perticuler and individuall person; *Be it enacted* for the better dettering people from committing such offences, that in all such cases every perticuler offender may be singly prosecuted and have judgment passe against him for payment of the whole fine; and because the laws have been silent in prescribing (*a*) any way to punish servants guilty of the breach of such acts where freemen are (*b*) to pay a fine, of which they are during their service wholly incapable, and might be encouraged to attempt it should their punishment be respited until their time of service is expired, *Be it therefore enacted* that in all cases where a freeman is punishable by fine a servant shall receive corporall punishment, vizt. for every five hundred pounds of tobacco, twenty lashes, and soe many such severall punishments as are five hundred pounds of tobacco included in the fine unles their master or other acquaintance will redceme them by making payment, *And it is further enacted* that if any person by procurement of the servant upon promise and agreement for future service shall pay the fine and release him from punishment, such agreement made shall (notwithstanding the coverture) bind such servant to performance after his time by indenture is expired. And further that the master have like remedy against the servant in case of his trespassing against him.

Where several are guilty of an offence against a penal law, each may be severally fined to the whole amount of the penalty

Where freemen are punishable by fine servants punishable by whipping, at a certain ratio of lashes for every 500 lb: of tobacco

Various Readings.

(*a*) 'In prescribing' in Purvis, Ch. City & P. Rand. MSS. 'how in Northb. MS.'

(*b*) Instead of 'where freemen are,' as in Purvis, and Ch. City and P. Rand. MSS. 'whereof they are incapable' in Northb. MS.

ACT VI.

Edit. 1733 and 1752. *An act concerning the bounding of counties and parishes.*

Purvis 133.
Counties and parishes to be bounded.

WHEREAS there is a law that binds us to the bounding of our lands, *Be it enacted by this grand assembly and the authority thereof* that the same law be in force to the bounding of parishes and counties.

 ACT VII.

Edit. 1733 and 1752. *An act repealing the act of ten shillings per hoggs-head.*

Purvis 133.
Vessels trad'g From N. Eng. or adjacent plantations, exempted from export duty of 10s. per hhd.

WHEREAS the imposition of ten shillings per hoggs-head on vessells tradeing from New England and the adjacent plantations hath probably hindred their tradeing in this colony and drawne much trade into Maryland, which the burgesses takeing into their serious consideration and requesting the right honourable Sir William Berkeley, knight and governour (who most heartily and willingly granted) to take off the said impost of ten shillings per hoggshead, *Be it therefore enacted by this present grand assembly* that all vessells tradeing from New England or any of the adjacent plantations in America shall from henceforth be free from the imposition of ten shillings per hoggshead and pay noe other dues, duties or customes, then any ships or vessells tradeing here out of England or any other of his majesties dominions.

 ACT VIII.

Edit. 1752. *An act concerning Indians.*

Purvis 133 & edit. 1733. Act concern'g murders committed by N. Indians extended to all others.

WHEREAS at a grand assembly held at James Citty, September 10th, 1663, it was provided that where any murther was committed by the Indians upon the English, the next towne of the Indians was to use their utmost endeavours for discovering the actors and doers thereof, and in regard the said act was

only lymitted upon the northern Indians. *This grand assembly have thought fitt to enact and be it enacted that the said law be made a generall law against all Indians whatsoever, and where any murthers be committed upon the English, the next towne is to use all their care and diligence in finding the doers and actors of the said murthers. And be it further enacted that if any Englishman is murdered, the next towne shalbe answerable for it with their lives or liberties to the use of the publique, and that the right honourable the governour be humbly requested forthwith to impower such persons as his honour shall think fitt in each county on such occasions for putting the said law into immediate execution, and that it be made knowue to all Indians whatsoever by these persons soe commitionated within two months after the said law is in force. And be it further enacted by this grand assembly that the said Indians shall not have power within themselves to elect or constitute their owne Werowance or chiefe commander, but the present honourable governour and his successors from time to time shall constitute and authorize such person in whose fidelity they may finde greatest cause to repose a confidence to be the comander of the respective townes; And in case the Indians shall refuse their obedience to, or murder such person, then that nation of Indians soe refusing or offending to be accompted euenies and rebels and to be proceeded against accordingly. And whereas the careles manner of the English in going unarmed into churches, courts, and other publique meetings may probably in time invite the Indians to make some desperate attempt upon them, It is further enacted that the honourable the governour be requested to issue his commands to the officers of the militia to take care to prevent the same; And it is further enacted that any person or persons that shall harbour, entertaine, or imploy any Indian, shalbe fined five thousand pounds of tobacco or suffer one yeares imprisonment without bayle or mainepriise, unles such as shall give sufficient security to the county courts, and upon such security obteyne a lycence from the said court, and upon that certificate a lycence from the governour. And whereas by the former articles of agreement, it was provided that no Indians which are seated on the southside of James*

If a white man be murdered, the next Ind'n town answerable.

Commiss'ners appointed in each county to enforce this law.

Indians not to appoint their own Werowance or chief commander, but the gov'r to appoint him.

Indians refusing to obey, or murder'g him to be accounted enemies & rebels.

Inhabitants enforced to go armed to ch'ch courts, &c.

Pen'ty for harbouring or entertaining an Indian, without license.

Boundaries of
Indians on the
south side of
James river

river should come over the *Black water* or the southern branches thereof, *It is hereby enacted* that the said (a) bounds from the head of *Black water* to the *Apamatack* Indian towne and thence cross the river to the *Monikon* towne be the bounds of the Indians on the southside of James river.

ACT IX.

Edi. 1733 and
1752.

An act concerning the building of a ffort.

Purvis 136.

A fort to be
erected.
Gov. to fix on
the site.

To press
workmen.

Price of pine
trees.

Train bands to
work on fort.

Surveyor of
the work.

His compen-
sation.

IN obedience to his majesties royall commands for the better defence of the country, *this assembly have thought fitt to enact, and be it enacted* that a ffort be built with all convenient expedition, where the right honourable the governour shall thinke most convenient, and that fiftiethousand pounds of tobacco be leyved to that purpose besides the sale of the king of Potomacks land. *Be it further enacted* that his honour give power to presse carpenters labourers and other workemen, and that the carpenters finding themselves dyett and lodging be allowed forty five pounds of tobacco per day; and for the expediting and finishing the said ffort, *It is hereby enacted* that it shalbe lawfull for the surveyor of the workemen to cause pines to be fallen on any mans land for that use, paying to the proprietor of the land six pence for each tree; *And it is further enacted* that each person of the trayned bands in *James City* and *Surry* counties contribute six days worke towards the perfecting the said ffort, and bring their owne provisions with them. *And be it further enacted* that captain *William Bassett* be authorized surveyor of the whole worke and have command of the workemen therein employed, the country gratifying the said *captain Bassett* with ten thousand pounds of tobacco: And this assembly taking into their consideration what person be fittest to keep the

Various Readings.

(a) In Purvis and edi. 1733, 'southern branches of Blackwater, from the head of those branches to the present Appomattuck Indian town, and thence cross the river by a continued line to the Monakin towne &c'

fort and be captain of the same *have enacted, and it is hereby enacted* that the souldiers that attend the governor att generall courts be ordered to keepe the fort, those courts excepted where a single centinell will be sufficient, and that the captain of the guard have the command of the fort and receive a fitting annuall satisfaction for the same, And that the souldiers likewise have a competent addition to their former pay, And it is further enacted that noe tobaccos for these occasions be levied this year.

Who to Garrison the fort.

ACT X.

An act preparatory to a stint or cessation.

WHEREAS it hath beene the constant endeavour of the governour, councill and assembly those three yeares to introduce a stint or cessation or any other probable meanes of repaying the present ruinous condition of this country, occasioned by the meane and inconsiderable value of our present only staple comodity tobacco, from which wee have beene hitherto diverted by the continued aversenesse of the *Marylanders* though earnestly sollicitated to comply with us in any way, and the seameing impossibility of satisfying the debts due to the merchants, who though frequent inviters of us to lessen the quantity of tobacco have never offered the least proposall of the abatement of any the least parte of their debts which wee might justly expect from them in consideration of their soe certaine a gaine by the advancement of a price in case of a stint or cessation, yet that it may by ourselves (since our neighbours in Marryland refuse their concurrence) evidence to the uttermost of our power, our readinesse to obey his majesties royall commands laid upon us to that effect; and to testifye to the whole world our willingnesse to comply with the merchants in discharging our owne obligations to them which cannot well be performed in tobacco if the quantity be lessened by our endeavours to divert our labours to other more advantageous employments; and that we may the better induce the inhabitants of this country to imbrace and promote those staple comodities hereafter

Purvis 137 & edit. 1733 and 1752.

Reasons for lessening the quantity of tobacco in order to improve its quality & price

D'ts contract-
ed after a cer-
tain day, for
money or to-
bacco, may be
discharged in
kind, or mer-
cha'ble wheat
at 30 lb tobac.
or 3s. in money
per bushel.

Or, flax at 3 lb
tobacco or 4d.
per pound.

Not to compel
those not in-
debted to sell
at those rates.

Refer'd to the
king & council.

named in this act, *we have thought fitt to enact, and be it enacted by the governour, councill and burgesses of this grand assembly and the authority thereof*, that whoever after the first day of September, in the yeare 1666, shall contract a debt of what value soever in tobacco or mony shall have it in his choice to discharge the said debt in kind or in good merchantable wheate, valued per bushell conteyning eight gallons *Winchester* measure at thirty pounds of tobacco or three shillings in mony (which at the price most times in this country currant are of equall value) or in flax rough dressed at three pounds of tobacco or sovre pence in mony per pound; not that it is intended hereby that any person not indebted shalbe compelled to sell his wheat or flax at that rate, but that every one be left to take the advantage of the markt this price being sett only to demonstrate our equitable and just resolutions to satisfye our engagements. And for prevention of all evasions of the true intent of this act, *Be it further enacted by the authority aforesaid* that this act shall re-
teyne its force, any contract made to the contrary notwithstanding.

And this act as the most just and effectuall expediment to produce all the good ends aforesaid, the governour, councill and burgesses of this assembly of Virginia, doe in all humility present to the most prudent and gracious consideration and approbation of his most sacred majestie, and to the Lords of his majesties most honourable privy councill.

ACT XI.*

Adjudication
of the general
court, that se-
conds or slips
not merchant-
able, confirm-
ed.

WHEREAS at a generall court held at James City, March 25th, 1665, it is provided and accordingly ordered that noe seconds or slips should be reputed merchantable tobacco, this assembly have

Various Readings.

* This act omitted in Purvis, and all the revisals and MSS. except the Northb. in which it has no title.

thought fitt, and accordingly ordered that the same be ratified and confirmed.

This assembly was adjourned to the 10th of March, 1666, unless the governour saw cause to summon it sooner.

Signed by Sir WILLIAM BERKELEY,
Governor.

ROBERT WYNNE, *Speaker.*
(*Note to edit. 1733 & 1752.*)

AT A
GRAND ASSEMBLIE,

HOLDEN AT JAMES CITIE

Sir W. Berkeley, governor. THE FIFTH DAY OF JUNE 1666, AND IN THE EIGHTEENTH YEAR OF THE RAIGNE OF OUR SOVERAIGNE LORD KING CHARLES THE SECOND.*

ACT I.

An act for a cessation.

Purvis 137 and
Edi. 1733 and
1752.

Preamble.

WHEREAS the quantity of tobacco made in this country by increase of the number of inhabitants employing themselves wholly to the makeing that comodity, and their continued freedome of their unlymitted planting is become soe greate that all marketts have bene glutted with itt, and the value of it reduced to so low a rate that the planter is rendred incapable of subsisting, the merchant discouraged in his trade, and consequently by the decay of trade his majesties customes impaired, while the tobacco that formerly releived the plauter, encouraged the merchant, and augmented the custome, both now and some yeares past did and doth ruste perishing on the planters account, to his utter undoeing; the remedy of which inconveniencies the governour, councill and burgesses of this assembly taking into their serious consideration, have found that the most proper and effectuall course to effect the same wilbe by enacting for one yeare a cessation from planting, In which vacant yeare time wilbe given to the planter to settle himselfe upon the finding out and improvement of some other staple (as wee have already begun in silke, flax, and potash) the merchant encou-

Various Readings.

* The commencement of the acts of this session taken from the *Ch. Cit.* and *P. Rand.* MSS. In the Northumberland MS. it is, 'Att a GRAND ASSEMBLY held att James Citty, 5, 0. Junii 1666; Annoq. Regni. Rs Carol. scdi. 16' (but the date of the year is a mistake.)

raged to give a better price when he shalbe assured to have tyme to vend it, and his majesties customes noe way diminished, since the exportation of all the tobacco already made, and likely to be made this next crop, will in all probability (notwithstanding the cessation) equall the quantity of that which hath beene in the like tyme exported; ffor which consideration often message hath beene sent from the assembly of Virginia to the lieutenant generall of *Maryland*, to establish a stint or totall cessation from planting in both governments who have communicated the same to the assembly of that province, they being equally sensible of their pressures, have enacted a cessation with provisoe of the concurrence of this country of *Virginia* and *Carolina*, ffor which causes *it is thought fitt to enact, and be it enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof* that from and after the first day of february which shall be in the yeare of our Lord 1666 till the first of february which shalbe in the yeare of our Lord 1667, noe tobacco shalbe any wayes sowne, sett, planted, or tend- ed, directly or indirecly within the government of *Virginia*; And for the better and surer execution of this act and obeyning the good ends therein desired, *Be it further enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof* that the honourable Thomas Ludwell esq. secretary of Virginia, major generall Robert Smith, and major generall Richard Bennett esq. three of his majesties councill for this colony of Virginia, and capt. Robert Wynne Speaker, collonel Nich. Spencer, capt. Daniell Parke, capt. Joseph Bridger, capt. Peter Jennings and Mr. Thomas Ballard, burgesses of this assembly or any five of them be commissioners from the right honourable the governour suffitiently impowred to treate and conclude with the honourable the governour and assembly (a) of the province of *Maryland* or the commissioners by the said governour and assembly suffitiently impowred, and likewise with the governour and assembly of *Carolina* or his and their commissioners suffitiently impowred upon a totall cessation from sow-

Maryland having agreed to a suspension of the planting of tobacco, for 1 year, on condition Virginia & Carolina accede to it.

No tobacco to be planted between the first of Feb. 1666-7 and the first of Feb. 1667-8.

Commis'rs appointed to adjust with the colonies of Maryland & Carolina, a total suspension of planting tobacco, for one year, and the means of enforcing the act.

Various Readings.

(a) ' Council' in Ch. City MS

Their arrange-
ment obligato-
ry.

ing, setting, planting, or tending tobacco in these three colonies as aforesaid, and of the meanes to see the said cessation put in full and effectuall execution; *And be it further enacted by the governour, councill and burgesses of this grand assembly and by the authority thereof* that whatsoever the said Thomas Ludwell, major gen. Robert Smith, major generall Richard Bennett, capt. Robert Wynne, coll. Nich. Spencer, capt. Peter Jennings, capt. Daniell Parke, capt. Joseph Bridger and Mr. Thomas Ballard or any five of them shall agree upon with the commissioners impowred by the governour of *Maryland*, and William Drammond (a) esq. governour of *Carolina* and their respective assemblies tending only to the effectuall execution of the cessation from planting tobacco in the yeare aforesaid shall oblige all persons in this colony to observe and performe the same as fully and effectually to all intents and purposes as if the tenour of that agreement had in expresse words beene conteyned and mentioned in this act.

ACT II.

Edit. 1733 and
1752.

Purvis 137.

Preamble.

Cred'r not demand'g his tobacco by last of Jan. the debtor may lay it aside & mark it for his use, being, first viewed & found merchantable, by 2 honest and able men.

An act concerning tenders of tobacco.

WHEREAS it hath beene and still is the constant endeavours of this assembly to give all possible encouragement to merchants and traders into this colony, and hath hitherto left the receiving or refusing their debts to their owne discretions, without other restrictions to them or liberty to the planter than this, that if by the last of January the creditor did not demand his tobacco, it might then be lawfull for the debtor to dispose of itt leaving the debtor still lyable to be sued that yeare for security for his debt; upon which diverse persons for their private advantage did omitt the demanding of the tobacco in the time, and

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752 is, 'Anno decimo octavo CAROLI secundi regis.'

(a) 'Drummond' in Ch. City MS.

thereby rendered the planter incapable of disposing of his tobacco or clearing himself from his engagements; for redresse of which in conveniency, *Be it enacted by the governour, councill and burgesses of this grand assembly and the authority thereof* that if the creditor refuse or omitt to demand or receive his tobacco by the last of January, that then it shalbe lawfull for the defendant at any time betweene that and the twentyeth of february to addresse himselfe to the two next convenient justices of the peace who are hereby required and impowred to appoint two (a) honest and able men of the neighbourhood on their oathes to view the tobacco and if they find it legally merchantable, whether old or new, then to weigh and marke it for the use of the creditor on whose account the tobacco soe viewed and appointed as aforesaid shall after lye, the debtor still endeavouring to secure it as before the tender. And the defendant (b) upon producing certificate of the said tender from the said justice to the next court, that court shall by their order discharge the debtor from his debt, provided the tender be made in place according to specialty; *And it is further enacted by the authority aforesaid*, that in case of difference betweene the debtor and creditor or his attorney, if either of them be present, whither the tobacco tendered be merchantable or not, that then two commissioners as aforesaid are hereby impowred to appoint a third person as an indifferent umpire to determine the difference betweene them.

Debtor producing certificate of tender to court, discharged.

Difference in opinion, as to quality of the tobacco, decided by an umpire.

ACT III.

An act for altering the day of the General Court.

Edit. 1733 and 1752.

WHEREAS the right honourable the governour and councill for diverse reasons them thereunto moving have desired that the general court beginning by the present act the twentyeth day of March, henceforth be held the fifteenth day of April; *It is enacted*

Purvis 138.

Various Readings.

(a) 'Three' in Purvis.

(b) 'Debtor' in Purvis.

Term of gen'l.
court altered,
from March
to April.

by this present grand assembly and the authority thereof that the said court be not hereafter held upon the twentyeth day of March, but upon the fifteenth day of Aprill as by this act is provided and confirmed.

ACT IV.

An act for repeale of the act preparatory to a stint.

Act X. of Oct.
1665, repealed.

WHEREAS the act preparatory for a cessation or stint imposed a rate upon wheate at three shillings or thirty pounds of tobacco per bushell, the governour, councill and burgesses of this assembly considering the low prices tobacco hath beene purchased at, and least the creditor should draw the prices there sett into presedent have thought fitt to enact and doe enact by the authority thereof that the said act be to all intents and purposes repealed and made voyd and null.

This assembly was adjourned by act of assembly to the 25th of April 1667; unless the governor found occasion to convene it sooner.

Signed by Sir WILLIAM BERKELEY, *Govr.*

ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733 & 1752.*)

*AT A

GRAND ASSEMBLY

HOLDEN AT JAMES CITY

BY PROROGATION FROM THE 5th OF JUNE 1666, TO
THE TWENTIE THIRD OF OCTOBER 1666; AND
IN THE EIGHTEENTH YEARE OF THE REIGNE
OF OUR SOVERAIGNE LORD KING
CHARLES THE SECOND.

Sir W. Berkeley, governor

ACT I.

An act for a cessation.†

WHEREAS at an assembly held at James City the fifth of June 1666, it was enacted that a cessation from sewing, setting, planting or tending tobacco from the first of February 1666, untill the first of february 1667 should be established in this colony of Virginia, in case the province of *Carolina* should give

Edit. 1733 and
1752
Purvis 140.
Act 1, of June
1666, confirm-
ed; the colo-
nies of Mary-
land & Caroli-
na having
passed similar
laws.

Various Readings.

* From the *Ch. City* and *P. Rand.* MSS. which agree verbatim in this respect. In the Northb. MS. it is, "Att a Grand Assem- bly held att James City by prorogation from the 5th of July " 1666, to the 23rd of October 1666 Annoq Regni Rs. Car. Scdi 18,0. In Purvis, the acts of this session are erroneously dated 1680.

† The title of this act is wanting in the Northb. MS. but it is given as above in the *Ch. Cit.* and *P. Rand.* MSS. in Purvis, and the edi. of 1733 and 1752. This act for a *cessation*, as it was then called, was in consummation of a favorite scheme to improve the quality and enhance the price of tobacco, by *suspending* the planting of it for a certain period, and thereby lessening the quantity. Various propositions were made to the colonies of Maryland and Carolina, and conferences had on the subject, before they could be induced to come into the measure. See act XII of September 1663; also the compact between the commissioners of the respective colonies, ante pa. 200; act III of Sept. 1664; act X of October 1665; act I of June 1666; and act IV of the same session.

their assent to the same as the province of *Maryland* by their act of assembly had engaged themselves to doe, both the said acts of *Marryland* and this country impowring certaine commissioners to treat and conclude of the best meanes of security, for putting the said acts into effectual execution ; By vertue whereof the commissioners in the said acts nominated and appointed, did upon the tenth of July ffollowing meete at James Citty, and did then and there conclude and agree upon certaine meanes and waies for putting the said acts into effectuall practice, and for prevention of all frauds and deceits that may be used therein as by the articles there made more ffully doth appeare ; at which meeting the commissioners for the province of *Carolina* did alsoe oblige themselves that the said province of *Carolina* should by an act of their assembly confirme the agreement aforesaid, and transmit the said acts to the honourable governour of *Virginia* and *Maryland* by the last of September then next ensuing ; But whereas by reason of the said province their engagement in repelling the assaults of the adjacent Indians that their act (though fully at their assembly confirmed) could not be sent to *Virginia* and *Maryland* by the day in the articles agreed upon, for which cause the governour and councill of *Maryland* though they still acknowledge the act itselfe for a totall cessation from planting as aforesaid, to remaine in its full force, and in pursuance of the establishment thereof, caused a proclamation to issue requiring and commanding all persons in the said province to yeild conformity and due obedience thereto, of which the chancellor (*a*) to testifye their full intents of executing the said acts transmitted a copy to the right honourable the governour of *Virginia*, yet in his letter declareing that by reason of the said act of *Carolinas* not comeing to them by the day in the treaty prefixed, hee conceived that all the articles in the said treaty conteyning the meanes to have the act assuredly, and without fraud, put into practice, became void and for that cause another treaty was of necessity required; which reasons the governour, councill and burgesses of this grand assembly takinge into

Various Readings.

(*a*) The words 'the chancellor,' omitted in Purvis

their serious considerations have enacted and declared, and by these presents doe enact and declare that the aforesaid act of the fifth of June prohibiting sowing, setting, planting or tending tobacco from the first of february 1666, to the first of february 1667 is, and remaines in full force, and is hereby fully ratifyed and confirmed, and all persons required to take notice thereof and yeild their due obedience thereunto; for the surer establishment whereof the commissioners in the aforesaid act mentioned, or soe many of them as are thereby required, are hereby againe impowred and desired to renew the former treaty with the commissioners of *Marryland*, and to reestablish the articles in the former treaty agreed upon and concluded; the grand assembly hereby obliging themselves that the publique faith given by their commissioners for observance of the said articles passed under their hands and seales and the like reciprocally taken from the commissioners of *Maryland* shall bind this country and every inhabitant thereof to a full performance of the said act; And that noe scruple may remaine are fully agreed that two instruments of one tenor made one to the governour of *Virginia* the other to the lieutenant generall of *Maryland* from the governour of *Carolina* that the inhabitants of that province will truly observe the articles agreed upon betweene the commissioners of *Virginia* and *Maryland* shalbe accepted and reputed a sufficient engagement for the conformity of that province in the observance of the act; and if there should appeare to the said commissioners any emergent occasion for any thing or things in the aforesaid treaty agreed and concluded upon to be added or altered, they are by this act impowred to proceed therein as they in their discretions shall find the necessities of affaires to require. And the governours honour is hereby requested by his honours commission and instructions to confirme this full power and authority unto them; and to the intent that notice may be given to the honourable lieutenant general of *Maryland* of our intentions to renew the treaty, the governours honour is hereby requested to send a messuage to the lieutenant generall of *Maryland* to certifye him that upon the seaventh of December next, or as soone after as wind and weather will permitt, the commissioners of this coun-

Compact between commissioners of the several colon's of Virginia, Maryland and Carolina, as to a suspension of the planting of tobacco confirmed.

Discretionary power given governor and commissioners in relation to renewal of the compact.

Notice of appt. of comm'rs.

Where to meet. try will meeete the commissioners appointed for that province at *St. Maryes* in *Maryland* to put into full execution the aforesaid act of cessation, (*a*) by which meanes all obstacles and doubts wilbe taken away and the aforesaid law receive a plenary and effectuall execution: And it is further enacted that the governours honour be requested as soone as possible after the conclusion of the treaty to publish and declare by his honours proclamations the successe (*b*) and tenour thereof to the severall counties of this colony.

Treaty to be proclaimed.

ACT II.

*An act for debts and rates.**

During the suspension of planting tob'o. debtors paying 1-2 the debts already due, in kind, to be allowed further time for the other half on giving reasonable security

WHEREAS it is apparent to all that the establishment of a cessation from planting will certainly advance the gaines of the merchant by giving him time to vend his comodities, and for that consideration it might be justly expected that he should make some proportionate abatement in his debts; yet this assembly whose care hath ever beene to preserve the rights and properties of every person free from the least violation, have still continued the same entire, And have only for the supply of peoples necessities and inabling them to provide for their subsistance, in the vacant yeare from planting, *have enacted, and by the authority of the governour, councill and burgesses of this present grand assembly, be it enacted* that for all debts already contracted for to be paid this present yeare in tobacco except publique debts, any debtor paying one halfe of his debt in kind shall have liberty for the payment of the other halfe untill the 10th of November 1668, giving reasonable security (if required) to pay the re-

Various Readings.

(*a*) 'Assembly' in Purvis.

(*b*) 'Full Intent' in Purvis.

* Under this title, in the Northb. MS. is comprehended the subject matter of three separate acts, as given in the Ch. City and P. Rand MSS. and Purvis, the titles of which are preserved in edi. 1733 and 1752. The title of this act in the last mentioned volumes is, 'An act shewing how debts are to be paid the cessation year.' Act III, 'An act for valuation of commodities for payment of public dues' Act IV, 'An act for rating of ordinary keepers'

mayning halfe at the time aforesaid ; And in case the creditor will not stay that time, but prosecute his debtor for payment to be made sooner, it shalbe in the liberty and choice of the debtor to make tender of his estate before the next justice of peace to legall valuation of the said second moyety ; *Provided* that if the debt be under two hogsheds of tobacco, it shall not be lawfull for the debtor to prejudice the creditor by breaking an hogshed of tobacco and paying a parcell thereof.

**Be it alsoe further enacted* by the authority aforesaid that all publique dues this yeare in regard of the cessation and consequent (a) expectation of advancing the value of tobacco there be an abatement of the sumes formerly allowed, and that all publique and county debts, ministers and parish dues, officers fees, ffines, quitt rents, and all other rents (b) and debts generally, that shall be contracted and become due, in the vacant yeare from planting, may be paid in the country comodity at the rates here following, vizt.

Wheate, Garravances and English Peas,	lb.	to.	s.	d.
per bushell	40	or	4	
Indian Corne shelled, per bushell	20	or	2	
Barly per bushell	35	or	3	6
Wound Silke per pound	200	or	20	
Indian Peas of all sorts (except Garravances) per bushell	35	or	3	6
Oates per bushell	30	or	3	

(c) Noe rates sett upon flax by reason of the uncertainty of the quality, nor beife and porke, because perishable, but both those left to valuation according to the condition and goodnes.

Provided that for prevention of inconveniencies and

Creditor refusing to wait, debtor may tender payment in property.

* From this place, 'An act for valuation of commoities for payment of public dues,' in Purvis, & Ch. City & P. Rand. MSS.

Public & county dues, ministers and officers' fees, &c. and debts contracted during cessation, payable in country commodities.

Rates of commodities.

Flax, beef and pork not rated

Various Readings.

(a) 'Cause that' in Purvis, and Ch. City & P. Randolph MSS.—An error so apparent is almost conclusive proof of what I have before remarked (ante page 170) that Purvis and these MSS. were composed of the same materials.

(b) 'Rates' in Purvis, Ch. City & P. Rand. MSS.

(c) In the Ch. City & P. Rand. MSS. this clause follows the next, beginning with the word '*provided*', but the above arrangement, as in the Northb. MS. is the most natural.

loss, the debtor (*a*) is subject to, if he have not caske in which to carry his graine, it is further enacted that the debtor shall provide and pay the graine in caske, and the creditor to allow him for his caske 10 per cent as in case of tobacco.

* From this place. *An act for rating of ordinary keepers;* in Purvis and Ch. City & P. Rand. MSS. Rates of liquors.

**Be it also further enacted* by the authority aforesaid that excessive rates of liquors sold by ordinary keepers shalbe henceforth moderated and reduced to these prices, vizt.

ffor all Spanish & Portugall wines treble the value of what they cost, provided it exceed not 100lbs. or 10s. per gallon.

ffor all ffrench wines the like, not exceeding 80lbs. tobacco or 8s. per gallon.

ffor rum the like not exceeding 100lbs. tobacco or 10s. per gallon.

ffor brandy and English spiritts the like, not exceeding 160lbs. tobacco or 16s. per gallon.

ffor beer and syder being produced by the husbandry of this country, and therefore fitter to be encouraged what profit they can make not exceeding 40lbs. tobacco or 4s. per gallon.

ffor syder the like, not exceeding 25lbs. tobacco or 2s. 6d. per gallon.

ffor Virginia drams the like prices as for brandy and English spiritts; and if any person shall question whether the bottles by which spiritts or other liquors may be sold be quart or not, and shall require the same to be measured by a sealed pott, *it is enacted* that the person soe requireing shall not pay for more drink then the bottles shalbe found to conteyne: And for the better encouragement of ordinary keepers to sell at those rates, *it is further enacted* that whereas by the present laws ordinary keepers accounts are not pleadable, all persons keeping ordinaryes and selling at those rates, shalbe admitted to plead their accounts and recover judgment for the same, (as by law is permitted for other accounts) in any court of judicature in this country as freely as if they had never beene excepted, any former law to the contrary notwithstanding; *Provided* the party drinking know the price he must pay, be alive and be impleaded within a yeare after the debt accrues due.

Contents of bottles may be ascertained. Ordinary keepers selling at legal rates entitled to recover debts; all former laws prohibiting their recovery repealed. Provided that the dr. know the price, be alive, and the action be commenced within one year.

Various Readings.

(*a*) 'Receiver' in Purvis, and Ch. City & P. Rand. MSS.

ACT III.

*An act for Surveyors.**Edi. 1733 and
1752.

WHEREAS the act ascertaining (a) the fees of surveyors by reason of the low rates sett therein which seemes to have bene first made above twenty yeares since, (when tobacco bore a greater value then can now be expected) deterr any men of parts, ability, and integrity from exercising the said ffuctions, in the faithfull and well discharge whereof the peaceable possession of the inhabitants of the country are soe much concerned, and yet for want of a penalty therein expressed, leaves a liberty to every one to extort from the people what summes they please; *Be it enacted by this grand assembly and the authority thereof*, that for encouragement of able men in that scyence to practice the same, that the fees lymitted in that act be doubled, vizt. fforty pounds of tobacco for measuring every hundred acres of land, if the whole dividend exceed not or amount to one thousand acres; but if under that quantity ffowre hundred pounds of tobacco, and for the same shall deliver an exact platt of the dividend surveyed and measured; And if any surveyor upon reasonable demand (not being by sicknes or other lawfull impediments hindred) shall refuse to measure the land of any person whatsoever for the consideration and satisfaction as aforesaid, every such surveyor shalbe fined and pay for such his refusal fower thousand pounds of tobacco, and for exceeding the fee, two hundred pounds of tobacco for every hundred acres, halfe to the person injured, the other halfe to the informer to be recovered by action of debt in any court of judicature in Virginia; But if any surveyor goe further from home then he can retorne in a day, then such further satisfaction be allowed him as by the former act is provided.

Purvis 145.

Preamble.

Surveyors' fees doubled

Penalty for refusing to survey, or exceeding legal fees.

Further compensation in certain cases.

Various Readings.

This is numbered act V, in Purvis, the *Ch. City* and *P. Rand.* MSS. and the editions of 1733 & 1752, under the title of 'An act ascertaining surveyors fees.'

(a) 'Concerning' in Purvis and *Ch. City & P. Rand.* MSS

ACT IV.

*An act for Wolves killed by Indians.**

[See an. p. 87
& vol. 1, p. 199,
328, 456.]

Acts giving
rewards to In-
dians to kill
wolves repeal-
ed.
County courts
to make bye-
laws concern-
ing.

WHEREAS in some fronteer counties the number of wolves killed and brought in by Indians though from never soe remote places, have very much inhanced the taxes of the said counties, where noe benefit hath accrued, the heads of the said wolves being purchased by some inhabitants for lucre of the encouragement given by act, to the insupportable burthen of the people; *Be it enacted by this present grand assembly and the authority thereof*, that the allowance for wolves killed by Indians, and the injury of the persons and places by whome and where they are killed, be wholly left to the county courts by their by-laws, to take care and provide for, as shalbe found most requisite for the convenience and occasions of each county, notwithstanding the governour and councill haveing assented to this at the desire of the burgesses are of opinion that this act wilby the cheife desires thereof quickly be repealed.

ACT V.

An act for free importation of Salt into Northampton county.†

Preamble.

WHEREAS the county of Northampton hath shewed that by a former act of assembly the importation of salt into that county was prohibited for the better encouragement of collonel Edmund Scarborough who had erected a salt worke at Accomack, but he not furnishing the wants of the people in that county of Northampton according to expectation and the law restraying their releife from other places, *Be it*

Various Readings.

* This is numbered act VI, in Purvis, and Ch. City and P. Rand. MSS. edi. 1733 & 1752, under the title of 'An act repealing the act of encouragement for killing wolves.'

† The title of this in Purvis, and Ch. City & P. Rand. MSS. and edi. 1733 & 1752, is, 'An act concerning the salt-works, at Accomack' It is there numbered VII.

enacted by this present grand assembly and the authority thereof that the said act for soe much as relates to the county of Northampton be henceforth repealed, and liberty and lycence given to any person to importe and sell salt there as freely as before that act of restraint he might have done, collonel Scarborough himselfe having given his full assent to the repeale.

Act restrain'g
the importat'ns
of salt into
North'ton re-
pealed.

ACT VI.

*An act concerning Indians.**

WHEREAS the late act for the next towne of Indians to be answerable for all murthers committed in the parts adjacent seemes too full of severity and rigour to be put into execution unles there were at least some probable reason to induce a beleife of their being involved in the guilt, And yet if noe course be taken for restraint and prevention of the like insolencies and murthers there can be little hopes of security to the English; *Be it therefore enacted by this grand assembly and the authority thereof*, that in *Henrico* county, which as a frontier is most exposed to those dangers, the bounds already fixed on the southside of *James River* be confirmed, and that the militia of that county doe lay out the bounds on the northside of the river, (a) to lymitt the Indians about them, And that after such bounds laid out and notice thereof given, any indian shall presume to come in contrary to act in force, that then it shall be lawfull for any Englishman to kill such Indian or Indians soe transgressing, by the succeſse whereof in the county it will appeare whether the same course be necessary to be put in practice in other places: *And be it further enacted* that where the Indians in any part of Virginia shall be found still refractory and not obedient to the said act that notice

Preamble

Bounds of In-
dians laid out
on south side
of James river
confirmed, and
to be laid out
on north side,
in Henrico
county.

Indians com'g
within those
bounds may be
killed.

Refractory In-
dians, may be
reduced to
obedience.

Various Readings.

* This is numbered VIII, in Purvis, and Ch. City and P. Rand. MSS. and edi. 1733 and 1752. In Purvis the title is the same as above in Northb. MS. but in the others it is, 'An act prohibiting Indians to come into Henrico county.'

(a) A blank in Northb. MS. 'river,' in Ch. City.

Proviso in favour of Indians coming on messages.

thereof being given to the right honourable the governour, his honour be desired by force to reduce them to a conformable obedience; *Provided* that such Indians as shall come upon messages or other publique employments to the places and persons by the governours honour permitted, and shall keepe their direct pathes, shall be exempted from being lyable to the severity of this act.

ACT VII.

Edit. 1733 and 1752.

An act for provision of ammunition.

Purvis 148.

Counties authorised to provide ammunition by their by-laws.

WHEREAS there is a generall complaint of the want of ammunition for defence of the country in these times of eminent danger, *It is enacted by this grand assembly* that each county shall by their by-laws be impowred to make such provision thereof at a county charge as their severall occasions shall necessarily require.

ACT VIII.

Edi. 1733 and 1752.

Purvis 148.

Preamble.

An act for Weavers and Loomes.

Each county to provide a weaver & loom at the expense of the county.

WHEREAS the present obstruction of trade and the nakednes of the country doe sufficiently evidence the necessity of provideing supply of our wants by improveing all meanes of raysing and promoteing manufactures amonge ourselves, and the governours honour haveing by apparent demonstrations manifested that our poverty and necessity proceeds more from want of industry then defect of ability, since that five women or children of 12 or 13 yeares of age may with much ease provide sufficient cloathing for thirty persons, if they would betake themselves to spinning, which cannot be objected against, if weavers and loomes were once provided; for the better effecting whereof, *Be it enacted by the authority of this grand assembly* that within two yeares at furthest after the date of this act, the commissioners of each county court shall provide and sett up a loome and weaver in

each of the respective counties of this country, at the charge of the county, and that noe private person setting up a loome at his owne charge shall excuse the county from setting up a publike one ; But that every court neglecting to performe the tenour of this act shall be fined two thousand pounds of tobacco to the use of the publike and informer. *Provided* that the executing hereof in the counties of *Rapahanock, Stafford,* Westmerland* and *Northumberland* who by the newnesse of their ground pretend themselves incapable of making provision for the soe soone employment of a weaver be respited for fowre yeares after the date hereof.

Penalty for neglect.

Not to extend to Rappahanock, Stafford, Westmorel'd, and Northumberland.

ACT IX.

An act against entertayners of runaways.

Edit. 1783 and 1752.

WHEREAS diverse ill disposed persons not valuing the fine imposed by act, which by the inconsiderableness thereof they think not worth the paines of any mans recovery, doe harbour and give entertainment to loytering runaway servants for two or three dayes or more, thereby encourageing the said servants in such lewd courses ; for prevention whereof, *Be it enacted by the authority of this grand assembly* that what person soever, contrary to the act in force, shall harbour or entertaine any such runaway servant shalbe fined to pay sixty pounds of tobacco for each day and night he shall soe harbour them to be recovered by the master or owner of the said servant by action of debt in any court of judicature in this country ; this act extending only to such servants as serve by their first indenture.

Purvis (145.)

Preamble.

Penalty increased for harbouring runaway servants.

To what servants to extend.

Various Readings.

* This is the first time the name of *Stafford* occurs among the counties. In Mercer's abridgment, title 'Counties,' it is said to have been established in 1675.

ACT X.

An act for servants service.

Edit. 1733 and
1752.

Purvis (146.)

Preamble.

Former acts,
concern'g ser-
vants com'g in
without inden-
tures amended
so that they
may serve
according to
their age.

When to be
carried to c'rt.
to have their
ages adjudged.

WHEREAS the present act in force prescribing how long servants comeing in without indentures shall serve, enjoynes all servants adjudged by the courts to be sixteene yeares of age to serve but five yeares, and all under to serve untill they be twenty fowre yeares, by which inequality, a servant if adjudged never soe little under sixteene yeares pays for that small tyme three yeares service, and if he be adjudged more the master looseth the like; *Be it therefore enacted* that the said act be from henceforth altered and amended, vizt. that all servants comeing in without indentures, after the expiration of this cession of assembly, shall serve according to their age, vizt. if adjudged nineteene yeares or above, then to serve five yeares, if under that age then to serve soe many yeares as he wants of twenty fowre yeares, when his age is adjudged by the court; And that every man intending to clayme the benefitt of this act is hereby required within two courts at furthest after he hath bought him or them, or imported a servant as aforesaid, to carry him to the court, who by a present inspection at that tyme wilbe best enabled to passe judgment upon the matter.

 ACT XI.
An act for the charge of criminalls.

Edit. 1733 and
1752.

Purvis (147.)

Preamble.

Criminalss con-
victed, to pay
the expense of
prosecution if
estate suffi-
cient, other-
wise expense
to be paid by
county and
public.

WHEREAS the charge of prosecuting criminall persons hath beene hitherto usually defrayed part by the publike, but most by those counties where the offenders dwelt or the fact was committed; for avoyd-ance of which charge it is probable that many lewd livers by a too favourable censure escape their deserved punishments. *Be it therefore enacted by this grand assembly and the authority thereof*, that where the person convicted hath estate sufficient to defray the charge of his prosecution, the publike or county shall not be charged but the whole paid out of the delinquents estate, and the county and publike only then be lyable to satisfye when noe estate or not sufficient can be found or discovered.

ACT XII.

*An act for Lower Norfolke non addresse to the Collector.**

WHEREAS the county of Lower Norfolke lyeth most in this river, and therefore not soe to be suspected to ship tobacco without paying the impost as the other counties in Potomack river and those on the Easterne shore, *Be it therefore enacted* that the inhabitants of the said county shall have equall liberty with others to dispose of their tobacco without the trouble of the addresse of every planter to the collector for giveing account and cleering the tobacco they make; but that the law still continue in force for all the counties in Potomack River and Accomack and Northampton.

County of L'r. Norf. exempted from restrictions of former acts in exporting their tobacco.

Law to continue in force as to counties on Potomack and Accomack and Northampton.

ACT XIII.

An act repealing encouragements, and not planting Mulberry Trees.

WHEREAS the providence and care of the publique good in former assemblies thought fitt for the advance and promotion of trade, manufactures and staple comodities in the country, to grant of the publique certaine encouragements for building of vessells, makeing of silke, cloath, &c. By which meanes diverse people being induced to put the same in practice, have by their successe made evident demonstrations how beneficial the same will prove; This assembly in hopes that all people now convinced of the profits accrewing thereby will of their owne accords vigerously prosecute those now apparently profitable designes, have therefore for the ease of the publique

Edit. 1733 and 1752.

Purvis (148.)

Preamble.

Various Readings.

* In the revisals of 1733 & 1752, the title of this act is 'An act of dispensation, for Lower Norfolk, to ship their tobacco.' In Purvis, and Ch. City & P. Rand. MSS. the title is different, but the subject matter in all the MSS. is the same

Acts allowing premiums for silk, cloth, vessels, &c. repealed.

taxes *thought fitt to enact, as by this grand assembly and the authority thereof, it is enacted*, that all acts of encouragement of silke, cloath, (a) building of vessels or any thing else may henceforth be generally and totally repealed and voyd. except the act for release of the impost of two shillings per hogshead to inhabitants of this country adventuring in vessells belonging properly and solely to Virginia owners, according to the one hundred and thirty fourth act of assembly; And moreover that the act imposeing a fine for not planting of mulberry trees which every one intended to make silke will now propagate voluntarily. be also repealed and made voyd.

Act imposing fine for not planting mulberry trees repealed.

ACT XIV.

Edit. 1738 and 1762.

An act for Millers.

Purvis 149.

WHEREAS diverse owners and keepers of publique mills in this country doe refuse to grind corne according to turne for the reward and toll already sett and appointed by act, *Be it therefore enacted by the present grand assembly and the authority thereof* that what person soever, master, owner or lessee of any mill, shall hereafter refuse to grind as aforesaid shalbe fined and amerced one thousand pounds of tobacco for every such offence; And if the miller soe refusing be a servant, he shalbe punished at the discretion of the county court where the offence shalbe comitted and complained of, unles the servant can prove that what he did was done by order of his master, which fine shall be recovered by any person injured by action of debt in the court of that county where the offence was committed.

Miller to grind according to turn.

Penalty.

Serv ts punished at discret'n of courts, unless they acted by their master's orders.

Various Readings.

(a) The word 'cloth' omitted in Purvis

ACT XV.

*An act concerning Sheep.**

WHEREAS the seaventy seaventh act concerning the insufficiency of ffences prohibites any injury to be done to severall sorts of beasts and cattle among which sheep are not nominally included, *it is enacted hereby* that from henceforth sheep shalbe comprehended in the said act, and damages recovered for any injury done to them by vertue of the act aforesaid as for other cattle it is provided.

Sheep includ'd in the act concerning trespasses and damages, on account of fences.

ACT XVI.

An act concerning bills of exchange.

WHEREAS it appeares that many bills of exchange drawne upon persons in England by people resident in this country in confidence that the goods by them sent might produce effects sufficient to satisfye them, which expectation being frustrated sometimes by the miscarrying of the ship, sometimes by not sale of the goods or pretence thereof by the party on whome they are drawne, cause the said bills to be protested, and by the greate damage of 30 per cent given by act against the party that charged, is found to tend too much to the detriment and prejudice of the inhabitants of this country; *It is therefore enacted by this grand assembly and the authority thereof*, that from henceforth the damages upon bills of exchange protested shall not exceed 15 per cent, and that the former act giving 30 per cent be hereby repealed and made voyd.

Edit. 1733 and 1752.

Parvis 150.

Preamble

Damages on protested bills of exchange reduced to 15 per cent.

Various Readings.

* The title of this act in Purvis, and Ch. City and P. Rand. MSS. and edi. 1733 & 1752, is, "An act including sheep in the 77th act. It is there numbered XVII.

ACT XVII.

*An act for reliefe of poore people.**

No justice of
peace to receive
any fee for any
cause or mat-
ter bro't before
or determined
by him.

WHEREAS there is an act intended for the reliefe of poore people that causes not exceeding the value of 20s. sterling or 200lbs. tobacco might be determined by a justice of peace without further suite; And whereas complaint hath been made that some of the said justices have contrary to the good intent of the said act exacted fees from the parties coming before them for justice, to a greater value then the thing sued for amounted to, *It is therefore enacted by this grand assembly and the authority thereof that it shall not be lawfull for any justice of the peace to receive of any person any fees for any cause or matter brought before him or determined by him.*

ACT XVIII.

An act for seating and planting.

Edit. 1733 and
1752.

Purvis 151.

What is meant
by seating and
planting land,
as expressed
in patents

WHEREAS there is in all patents a provisionall clause for planting and seating the land therein granted, in three yeares, but never yet by any law declared what was meant by that clause, nor what should be accounted sufficient seating and planting, this grand assembly for the better explanation thereof *have declared and enacted, and by the authority thereof doe declare and enact* that building an house and keeping a stock one whole yeare upon the land shall be accounted seating; and that clearing, tending and planting an acre of ground shall be accounted planting, and that either of those shalbe accounted a sufficient performance of the condition required by the patent. And that after such planting and seating the land as aforesaid and continuance of paying the quit rents, noe land shalbe adjudged to be deserted.

Various Readings.

* The title of this act in Purvis, and Ch. City and P. Rand. MSS. and edi. 1733 and 1752. is. 'An act declaring that no justice shall take fee'

ACT XIX.

*An act for conformation of titles.**

WHEREAS the honourable Tho: Ludwell, esq. hath informed the assembly that he finds in the records many pattents for greate parcells of land, for which there appeare not any right upon record, *And further that diverse patents have been issued and noe records (a)* extant upon which the assembly takeing the premises into serious consideration as alsoe the greate trouble and prejudice that may issue to diverse honest inhabitants of this country in asserting their titles though in truth never soe good, yet by these neglects of the clerke rendred in stricknes of law altogether invalid; ffor remedy whereof *the governour, councill and burgesses of this present grand assembly have enacted, and it is by the authority thereof enacted and ordayned*, that for preservation of all present titles and prevention of ffuture trouble, that all lands held by former pattents of which there are noe record extant, or to which there are noe rights annexed in the records, unto the date of this present assembly, shall for ever be held valid and ffirme according to the claimes of the severall pattents, these defects being found to have hapned by defects of the clerks of those times in not making present entry of the rights delivered to them, and the casualty of two severall fires whereby many of those rights with other papers were destroyed; the assembly hereby rendring thanks to Mr. Secretary for his care of preventing future troubles, and requesting him to continue it, not suffering any pattent hereafter to passe the office before the rights are entered and the pattent compared with the record.

All lands held by former patents, tho' not recorded or rights annexed in the records confirmed; these defects aris'g from the neglect of the clerks and the casualty of two fires.

Various Readings.

* The title of this act in Purvis, &c. is, 'An act concerning im perfect patents.'

(a) The words 'and further that diverse patents have been issued, and noe records,' omitted in Purvis.

ACT XX.

Edit. 1752

*An act for Law Bookes.*Purvis 133 and
edit. 1733.Law books, viz.
Statutes at
large, Daltons
justice, and
sheriff, and
Swinburne on
wills, to be
imported for
the use of the
gen. court and
assembly.The like for
the counties.

WHEREAS for the better conformity of the proceedings of the courts of this country to the laws of England, it appeares necessary for their better direction therein, all the former statutes at large and those made since the beginning of the raigne of his sacred majestic that now is and a few other approved bookes of law should be purchased, *It is therefore by this grand assembly and the authority thereof enacted accordingly* that all the aforesaid statute bookes, and Daltons justice of the peace, and office of a sherriffe, and Swinburnes book of Wills and Testaments may be sent for by the auditor for the use of the generall courts and assembly, to be kept at James Citty, and paid for out of the two shillings per hogshhead; and that the like bookes be sent for by some of the commissioners of the severall county courts for the use of the respective counties, and paid for out of the county levy.

ACT XXI.

*An act against refractory Souldiers.**Fines on mili-
tia-men fail'g
to attend mus-
ters.How levied
by distress

WHEREAS the officers of the militia have complained that divers refractory persons have in contempt of the authority impowring them, and to the ruyn of all military discipline refused to appeare upon the dayes of exercise and other times when required to attend upon the publique service, *It is enacted by this grand assembly* that every person soe neglecting to appeare, shall for every such neglect be amerced and fined one hundred pounds of tobacco to be disposed of by the militia to the use of the regiment, and that the commanders returne of such fines to the sherriffe of the respective counties shall be a sufficient warrant (in

Various Readings.

* The title of this act in Purvis, and *Ch. City* and *P. Rand* MSS and edi. 1733 and 1752, is, 'An act imposing fines on refractory persons;' and it is there numbered XXIII.

case of the parties denial of payment) to levy the same by distresse. *Provided* that if before the laying of the levy the party amerced doe shew to his commander such cause of his absence as by the said commander shalbe judged reasonable, then the party to be excused and the fine not returned.

How excused

 ACT XXII.

*An act for Sherriffes and bayles.**

WHEREAS the 46th (a) act for sherriffes to take bayle was misprinted and some words left out, *It is enacted* that for prevention of mistakes in courts of judicature a cobby be transcribed out of the orriginall for correction of the error in the printed booke, which followeth: "Be it also hereby enacted that all sherriffes shall take suffitient bayle of all persons arrested, with this condition to bring forth the party arrested or performe the award of the court, and if the sherriffe shall neglect to take suffitient bayle of the party arrested, or otherwise consent to be the cause of his escape, then the said sherriffe shall be lyable to pay the award of the court himselfe, and shall alsoe pay in case the consent to the escape be proved one thousand pounds of tobacco, halfe to the publique, and other halfe to the party greived for his

(See an. p. 79, same law, correctly transcribed.)

Sheriff to take bail on arrests.

Consequence of failure or permitting an escape.

Various Readings.

In Purvis, and Ch. City and P. Rand MSS. the title of this act, is, 'An act for the better explanation of the 16th act in the printed 'book;' in the editions of 1733 and 1752, the 46th act, which is the act alluded to. See ante pa. 79.

¶ (a) '16th' in Purvis, and Ch. City and P. Rand. MSS. but a mistake. It appears obvious that the errors which had crept into the revised acts of March 1661-2 which were printed in London, long before the publication of Purvis, (See note to pa. 164, 165) were transferred into Purvis, without any new examination of the originals; whereas the acts contained in the Northb. MS. were more correctly transcribed in the first instance. By comparing the 46th act of March 1661-2, as contained in Purvis, with the same act in the Northb. MS. and this collection, it will be seen, that the very omissions here spoken of in the *printed* acts, do not exist in the Northb. MS.

When sheriff
or bail may
have attach-
ment against
principal.

How they may
discharge
themselves.

“delay in recovering the debt; But if bayle be taken,
“and the party appeare not to answer the suite then
“judgment shalbe awarded against the bayle; *Alwayes*
“*provided* that the sherriffe or baile shall (if they de-
“sire it) have an attachment against the estate of the
“party arrested and not appeareing, and further that
“if the sherriffe or bayle shall at the next court after
“that to which the arrest was made bring forth the
“body of the party soe arrested to answer the suite,
“then the sherriffe or bayle shalbe acquitted from the
“judgment passed against them.”

Memorandum. This assembly was adjourned to
the 12th of November, 1667.

Signed by Sir WILLIAM BERKELEY,
Governor.

ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733.*)

*JOURNAL OF THE

GRAND ASSEMBLY,

HELD AT JAMES CITY

THE 23D DAY OF OCTOBER, 1666, BY ADJOURNMENT FROM THE FIFTH OF JUNE 1666.

UPON the end of which session it was enacted that the convention of the next should be upon the 25th of April 1667, unless the right honourable the governor found occasion to convent it sooner; who pleasing to issue his sumonds for the appearance of the respective burgesses, this day there appeared.

Capt. ROBERT WYNNE Speaker.

Henrico County.	Capt. William Ferrar.
Charles City.	{ Mr. Speaker,
	{ Capt. Thos. Southcoat.
York.	{ Lieut. col. Wm. Barber,
	{ Capt. Danl. Parke.
New Kent.	{ Coll. William Clayborn,
	{ Capt. William Berkley.
James County.	{ Capt. Edward Ramsey,
	{ Mr. Thomas Ballard.
James City.	Mr. Theo. Hone.
Surry County.	{ Capt. Laur. Baker,
	{ Mr. Thos. Warren.
	{ Adjutant genl. Bridger,
Isle of Wight.	{ Maj. Nich. Hill,
	{ Mr. Robert Williamson.
	{ Col. John Blake,
Nansamund.	{ Capt. John Leare.

* The Journal of this session is contained in a MS. furnished to the editor by Thomas Jefferson, late president of the United States. and purchased by him from the executor of Richard Bland, dec.— Most of this journal being taken up in discussing various propositions, which were enacted into laws, and may be found in the preceding acts of the same session, such parts of it, only, will be published, as afford some information important to a correct history of that period.

Lower Norfolk.	{ Capt. Adam Thorowgood, Capt. Wm. Carver.
Elizabeth City.	{ Col. Leond. Yeo, Capt. John Powel.
Gloster.	{ Adj. genl. Jenyngs, Major Thomas Walker.
Lancaster.	Rawleigh Traverse,
Rappahanock.	{ Capt. John Weye, Mr. Thomas Lucas.
Stafford.*	Col. Henry Mees.
Westmoreland.	{ Coll. Nich. Spencer, Coll. John Washington.
Northumberland.	Mr. William Presley.
Northampton.	{ Leuit. Coll. Kendall, Capt. John Swavage.
Accomack.	{ Coll. Edward Scarburgh, Mr. Hugh Yec.

Committee to
wait on the
governor.

Major Hone, leuit. col. John Blake sent to acquaint the governour that the house attended his honours pleasure; who ordered the several letters from the governour of Carolina, his honours answer to be read and all his honours letters to the lieut. and chancellor of Maryland and their answers which follow;

Passport to
commission-
ers, to treat
with the colo-
ny of Mary-
land.

These are in his majesties name to impower and authorize the bearer hereof to pass boat and men or fresh horses, where occasion shall require, for the convenience and expedition of the transport of him and his horse over any river or creek, or to guide, direct and conduct him in his passage to Maryland, upon business of publick concernment, and his return. For the furtherance and expedition of which passage and return, all magistrates and persons are hereby strictly charged and required to be aiding and assisting to the bearer, and to secure and feed his horses at any place where he shall have occasion to leave them, at their peril. Given at James City the 24th of October 1666.

* The county of *Stafford*, for the first time, appears among the proceedings of this assembly. It is mentioned as a *county* in the 8th act of this session, ante p 238. That is more conclusive proof of its establishment as a county, than the mere circumstance of its being represented, for we have before seen, that, by the existing laws, any county which would lay out 100 acres of land, and people it with 100 tilhable persons, should be entitled to a representative, notwithstanding the act for limiting the number of representatives to two for a county. See ante note to p 196

Most Honoured Sir,

I MUST once more beg your pardon for importuning you to send us your declaration of the government and counsels assent to a cessation, for indeed not only our assembly and courts, but all our commerce have their dependance on the assurance of that our former results receive no interruption by the alteration of our opinion, and its the voice of all that a cessation will make some few merchants venture their goods to us in these dangerous times, which otherwise they will keep by them, and then in what a miserable condition will these poor colonies be ; for however we are at greater distance from danger, we shall be the first that for want of necessarys shall feel the pressures of a terrible war. The last ship that came to us informs us that the scales yet hang formidably balanced and that few will venture to us but on hopes of great gains. This with many other considerations makes us desire you to hasten this messenger with your answer, which we are confident will satisfie all our hopes and wishes.

Your most humble servant,

WILLIAM BERKELEY.

Jamestown, the assembly
setting 8ber. 24th 1666.

Letter of the gov'r addressed to the chancellor of Maryland or governor of Carolina on the subject of a suspension of the planting of tobacco.

Most Honoured Sir,

OUR assembly is now met to perfect the great business of the cessation, but we can move no further in it till your assent be publickly made known to us. The commerce of the whole country is at a stand till it be fully declared that your necessary act be absolutely confirmed by you, and the few merchants that are here refuse to open their stores till they know on what terms they should dispose of their commodities, and besides other imputations of levity and inconstancy, I am confident few or no ship will be hazarded to us in the time of such extraordinary danger, if we make not good that which we have so much noised in the world. Therefore, dear Sir, let your concurring assent be sent to us as soon as possible, you

Letter from the gov'r addressed to the chancellor of Maryland or gov'r of Carolina, on the subject of a suspension of the planting of tobacco.

can; by this time we suppose your council is met, and therefore hope that this messenger will bring back your answer.

Your most humble Servant,
WILLIAM BERKELEY.

James town, the assembly setting,

October 24, 1666.

The house adjourned until to-morrow morning, being the 25th of October, at the 3d beating of the drum.

October 26, 1666.

UPON reading the chancellours of Marylands letter with the proclamation inclosed, published and proclaiming the observance of the act of cessation, whether the same is conceived by this house to be a sufficient ending of that governments confirmation of their former act, and whether it shall be thereupon determined in the house that the act made for that purpose the 5th of June, 1666, is and shall remain in full force and power, for the restriction of planting from the first of February, 1666, till the first of February, 1667, according to the tenor of the said act, and the right honorable the governour and counsel is requested and impowered further to signifie the same by his proclamations to each of the respective counties of that his majesties colony and in it to prescribe such course and penalty as may cause the same to be put in effectual execution.

Parishes of Lancaster and Payankatank united, & to be called Christ Church.

WHEREAS the parishes of Lancaster and Payankatank having formerly been united and since divided into two parishes, by that division became more sensible of the inconveniency and charge, have petitioned to be reunited, it is accordingly ordered that their petition be granted and the parishes reunited and to be called by the name of Christ Church Parish.

27 October, 1666.

Proclamat'n of Maryland for a cessation in planting tob' o. assented to as satisfactory.

THE assent to the acceptance of the proclamation of Maryland as full confirmation of the former act for the cessation assented to by a 2d Negative Contradictente.

Ordered that account of the fines be each Saturday rendered in the house, one half whereof to be disposed of to the use of the house, one fourth to major Hone for collection, the other fourth to be allowed and accepted by the said major Hone to H. Rand. on account.

Fines imposed on members of assembly, for breach of rules how collected and accounted for.

The fines this week amounted to 460 lb of tobacco.

The house adjourned till Monday morning third drum, the committee to meet the first drum this afternoon.

October 29, 1666.

THE house met, there was read the result of the conference between the right honorable the governor and committee of burgesses, October 27, 1666, as followeth, vizt.

Conference between the governor & council, & burgesses, on the subject of grants of land; they being exclusively confided to the gov'r. & council, the assembly refused to take cognizance

Then was read the petition of Mr. William Drum, concerning the land commonly called the governours land, in the main reserve, the 29th of October, 1666, by the governour and council, to the assembly for their judgments therein, returned thus endorsed;

“This petition or one to this effect was exhibited in June last, to which the house gave this answer, vizt.”

“June 8th, 1666.

“The house humbly conceiving the grants of lands to appertain only to the governor and council (and things thereby without their cognizance) think fit this petition be returned to your honours.”

And now do humbly conceive the same answer be (sufficient) the result of their judgments as conceiving this matter to be here *coram non judice*.

WHEREAS there was a proposition from the Isle of Wight county for one of their three burgesses to be dismissed, it is the opinion and judgment of this assembly that since no burgess is admitted without legal and deliberate examination of his return, that it cannot consist with the honour of the house to dismiss him from attendance during the continuance of that assembly of which he is a member.

The house refuse to dismiss a burgess from Isle of Wight, on the petition of the inhabitants.

November 9, 1666. *Die Jovis.*

The assembly assert their privilege to lay the levy in the house of burgeses.

THE honourable governour sent knowledge of his pleasure to the house that two or more of the council might join with the house in granting and confirming the sums of the levy.

The humble answer of the house is, that they conceive it their privilege to lay the levy in the house, and that the house will admit nothing without reference from the honourable governour and council unless it be before adjudged and confirmed by act or order, and after passing in the house shall be humbly presented to their honours for approbation or dissent.

Mr. Ballard, major Weir and captain Bridger are appointed to present this answer to the honourable governour and council.

This is willingly assented to and desired to remain on record for a rule to walk by for the future, which will be satisfactory to all.

WILLIAM BERKELEY.

AT A

GRAND ASSEMBLIE

HOLDEN AT JAMES CITTIE

THE TWENTY-THIRD† DAY OF SEPTEMBER 1667; AND
IN THE NINETEENTH YEARE OF THE REIGNE
OF OUR SOVERAIGNE LORD KING
CHARLES THE SECOND.

Sir W. Berkeley. governor.

ACT I.‡

An act for fortes to bee built in each river.

Act VII. of
Purvis & edit.
1733 and 1752.

WHEREAS the late invasion of the enemy and the surprisall of severall ships in James river hath made too plaine a demonstration of the inevitable necessity of erecting fiorts, which if longer neglected or deferred would encourage the attempt of the most despicable enemy to make incursions and prey upon us, discourage our friends from adventuring to relieve us, and render us to all that are concerned in us, inexcusably guilty of being most supinely negligent of our owne preservation, the prevention of which in the future having bin the maine endeavour of this assembly they have considered that to build a fiort at *Point Comfort* would produce little to the ends proposed, because seated in a place where is almost an equall difficulty of procureing materials to erect it and of men to

(The title only
of this act in
Purvis.)

Preamble.

Various Readings.

* The commencement taken from the *Ch. City* and *P. Rand.* MSS. the acts themselves from the *Northumberland* MS. in which the commencement is, 'Att a GRAND ASSEMBLY held att James City the 23rd ' Septr. 1667, Annoq. Regni Regis Caroli sed. 19, 0.'

† In *Purvis*, and *Ch. City* and *P. Rand.* MSS. the 'third' simply, but in *Northb.* MS. and edit. of 1733 & 1752, the 'twenty-third.'

‡ In *Purvis* and *Ch. City* & *P. Rand.* MSS. and edi 1733 & 1752, this is arranged as the 7th and last act of this session; but I have here published it as arranged in the *Northumberland* MS. in which it wants a title; but the title is taken from the *Ch. City* & *P. Rand.* MSS.

guard it and defend it when built, besides a ship or ships coming in with a faire wind and tide opportunity being seldome omitted by any that goe on such designes, with the hazard of one or two shott have as much liberty to prey upon the ships or country as if there were noe fort there. or if it could secure James river can add nothing to the preservation of the ships in other rivers, which must either continue subject to the present danger or by rideing under the protection of that ffort draw this inconvenience upon all merchants to forsake their accustomed places of trade; and by that means leave not only the greatest part of the country destitute of supplies but put the merchant to an excessive charge besides the hazard of bringing his tobacco on ship-board, which being equally in the care of this assembly, the governour, counsel and burgeses thereof humbly conceiving that his majesties commandes were cheifly intended for the preservation of all ships trading into this country, and that it wilbe more for the honour of the country, the encouragement of merchants, the convenience of commerce, the safety of ships arriving here, *have therefore enacted, and it is enacted by the authority aforesaid,* that the severall fforts be fforthwith (vizt.) before the last of April next, at the furthest, erected and finished, (to say) at James river one, in Nansamond river one, in York river one at Tindalls Point, in Rapahanack river at Corotoman one, in Potomack river at Yeohocomico one, within command of which fforts all ships trading to those respective places may conveniently, and in all probability securely ride and load; *And be it further enacted,* that the said ffort at James City shall be built at the proper and sole charge of the counties of James City, Surry, Charles City and Henrico; the fort at Nansamond, by the counties of Isle of Wight, Nansamond, Lower Norfolk, Elizabeth City and Warwick; the ffort at Tindalls Point at the proper and sole charge of the counties of York, Gloster and New-Kent; the ffort at Corotoman at the proper and sole charge of the counties of Lancaster and Rapahanack; and the ffort at Yeohocomico at the proper and sole charge of the

Forts, where
to be erected.

At the charge
of what coun-
ties built.

* The running title of the acts of this session in edit. 1733 and 1752, is, 'Anno decimo nono Caroli secundi regis.'

counties of Northumberland, Westmoreland and Stafford. And for the better putting the premisses into speedy and effectuall execution *it is further enacted*, that the county courts of the respective associations shalbe and are hereby authorised and enjoined that as soon as possible to convene in their respective counties and make choice of two such persons as they shall thinke fittest, to entrust and comissionate them with full power to carry on the worke, which persons soe impowred as commissioners by the county courts, are to meet together at such times and places as are hereafter mentioned (vizt.) the commissioners of the association of James City on the 26th of this instant October, at James City, the commissioners for the association of Nanzemund on the 23d of October, at Mr. Husses plantation in Nanzemond, the commissioners for the association of York river, the 21st of October, at the house of John fleete, near Tindalls point; The commissioners for the association of Rapahanock the 29th of October at major Balls house, the commissioners for the association of Potomack river the first of November at Mr. Nich. Owens house at Cherry Point, then and there to consult, advise and determine of the most expeditious wayes and meanes to erect and finish the said fforts, taking care that in every ffort there be a court of guafd and a convenient place to preserve the magazine; that each ffort be capable of eight greate guns at the least, the walls ten foote high and towards the river or shipping tenn foote thick at least. And that the commissioners soe appointed in each association or the major part of them shall be and are hereby impowred to appoint overseers and by their warrants to impower the said overseers (if occasion be) to impress workmen, labourers, provisions and all other things and materialls necessary to carry on the work; And the said commissioners or the major part of them to sett a rate upon the same and generally to act and doe all things herein mentioned or not mentioned that may conduce to the expediting and perfecting the said fforts within the tyme lymitted in this act; And if the owners of the lands shall refuse to give ground on which to build the said fforts, then the ground to be made use of and valued according to an act of this assembly for land for erecting churches, &c. *And it is*

Commissioners to be appoint'd by the county courts to superintend the work.

Where to meet.

Dimensions of fforts.

Commissioners may appoint overseers, who may impress workmen and materials.

Land, how to be condemned.

Guard, how
obtained.

further enacted that for the better guarding and securing the said fforts there be maintained in each of them by the proportion of the ffort duties that shall be due to each association, and a levy upon the respective counties if that suffice not, a constant guard of a gunner and ffore men, and that the major generall be desired to appoint out of the nearest adjacent parts to the fforts for the better defence of it upon any alarme ;

County c'ts to
lay levies for
the expenses
of the fforts.

And it is further enacted that for the defraying the charge of the said worke the county courts or the major parte of them are hereby impowred either by themselves or such others as they shall appoint to lay the levies for satisfying the charges that shall accrew thereupon, towards which the monies due to the public are equally to be distributed to each association ; And that the commissioners appointed by the county courts or the major parte of them are hereby impowred from time to time to order and appoint the receiving of the ffort duties that shalbe paid by the ships within their respective lymitts ; And to the end there

Pen'ty on c'ts,
commissioners
and workmen
for neglect.

may be noe neglect *it is furither enacted* that if any county court faile of makeing choice of their commissioners timely enough for them to meete at the days prescribed, the court soe delinquent shalbe fined tenn thousand pounds of tobacco, and every commissioner soe appointed fayling to meet at the day (lawfull impediments of sicknes, wind and weather excepted) or afterwards neglecting his duty shall be fined three thousand pounds of tobacco ; Each artificer neglecting or deserting the work for every default ffore hundred pounds of tobacco, and each labourer neglecting, two hundred pounds of tobacco, or if not able to pay the fine to be whipped with twenty lashes.

Ships to ride
under protec-
tion of fforts.

And because it is in vaine to provide fforts to secure ships unles they ride under their command *it is further enacted* that all shippes and vessells trading in this country in any of the said rivers shalbe and are hereby enjoined to ride under the protection and command of the said fforts ; and moreover that for the better supply of persons remote from the said ffort and riding of shippes noe ship or vessell comeing in and rideing there shall breake bulke or sell any goods or servants before they have rode at the said place of their moareing ffive days within which time they are to en-

ter their ships and take out their licence to trade, without which they may not breake bulke or sell as aforesaid, though their days herein lymitted be expired; And if they breake bulke or sell before such lycence be obtayned, each master presuming soe to doe to be fined 20000lbs. tobacco to be recovered by the collector and paid halfe to the informer, halfe to the sfort they ride under. *Always provided* that the ships rideing under the sfort of Yeocomico in Potomack river be not restrayned from breaking bulke the days lymitted in this act. *Provided also* that vessels without guns may after entry made by the governours speciall lycence ride in any other part.

ACT II.

Tobaccoes of Mariland groweth free from duties.

WHEREAS there is an order at present in force requiring all tobacco though of Maryland growth shipped in ships rideing in any harbour of Virginia should pay the impost of two shillings per hogshead; And whereas at present the inhabitants of the south-side of Potomack river are inforced for releife of their present necessities to lay out or ship the greatest part of their tobacco in shippis riding in the government of Maryland, for which, as is said, they are to pay the like duties of two shillings per hogshead as is paid for Maryland tobacco shipped on ships riding in Virginia, *Be it enacted by the governour, councill and burgesses of this grand assembly*, that for releife of the said inhabitants of Virginia, who are otherwise likely to pay double duties, that noe tobacco of the growth of Maryland, though laden in ships rideing in any harbour in Virginia shall be lyable to pay any Virginia duties from the date of this act untill the first of October, which shall be in the yeare 1668, nor after, if the next assembly find cause to continue itt.

Provided also that if the governour of Maryland doe lay an impost upon Virginia tobacco shipped in ships in their harbours, then this act to be absolutely voyd and null, and all tobacco of Maryland growth laden aboard any ship in Virginia to pay duties as formerly.

Act 1. of Purvis & cdi. 1733 and 1752. Purvis 154. Preamble.

Tob'o. of Maryland though laden in Virginia not subject to pay duties.

Provided that the govern'm't of Maryl'd lay no duties on tobacco of Virginia laden there.

Penalty is
for wilfully
evading this
act.

Provided also that if any person shall fraudulently send aboard any ship in Virginia any tobacco of the growth of Virginia and pretend the same to be of the growth of Maryland, intending thereby to defraud the country of their dues, he shall forfeit the tobacco so laden and concealed.

ACT III.

Act II of
Curvis & edit.
1733 and 1752.

An act declaring that baptisme of slaves doth not exempt them from bondage.

Part 18
Preamble.

Baptism does
not alter the
condition of the
person as to
freedom or
bondage.

WHEREAS some doubts have risen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptisme, should by vertue of their baptisme be made free; *It is enacted and declared by this grand assembly, and the authority thereof,* that the conferring of baptisme doth not alter the condition of the person as to his bondage or freedome; that diverse masters, freed from this doubt, may more carefully endeavour the propagation of christianity by permitting children, though slaves, or those of greater growth if capable to be admitted to that sacrament.

ACT IV.

Act III of
Parris & edit.
1733 and 1752.

An act for encouragement for erecting Mills.

How an acre
of land may be
condemned for
the abuttm't of
a mill dam.

WHEREAS it would conduce much to the convenience of this country, both for the grinding of corne and of neerer roads if mills were erected at convenient places, which diverse persons would willingly doe, if not obstructed by the perverseness of some persons not permitting others, though not willing themselves to promote soe publique a good; *It is enacted by this grand assembly* that if any person willing to erect one or more mills upon convenient places hath land only on one side the said place, and the owners of the land on the other side shall refuse to let him have an acre of his land to the end aforesaid, that

then the county court upon request of the party soe refused, shall order and impower two of their commissioners, or such other credible persons as they shall think fitt to view the said land, and if it take not away howsing, orchards, or other imediate conveniencies, then to value the said quantity of land and to put the same into the possession of the party building th^r said mill or mills, he paying the consideration the land is valued at ; *And it is further enacted* that the like liberty shall be granted for two acres of land and noe more for erecting churches or courthouses ; *Provided* that in case of desertion of any such structure, the land shall revert to the first proprietor he paying what he received for itt.

Not to take away houses, orchards, &c.

Also 2 acres for courthouses & churches.

When to revert to the 1st proprietor.

ACT V.

An act for roades to houses.

WHEREAS the dispatch of busines in this country is much obstructed for want of bridlewayes to the severall houses and plantations. *It is enacted by this grand assembly and the authority thereof*, that every person haveing a plantation shall, at the most plaine and convenient path (a) that leades to his house, make a gate in his fence for the convenience of passage of man and horse to his house about their occasions at the discretion of the owners.

Act IV. of Purvis & edit. 1733 and 1752. Purvis 156.

A gate thro' the fence, to be made at the most convenient path, to every man's house.

ACT VI.

An act against exportation of Corne.

WHEREAS by the violence of the late storme, many barnes have beene blowne downe, and the corne therein endamaged by the raine, many fences overthrowne and the corne within them after the tempest by that meanes devoured by cattle and hoggs, on which occasion it may justly be expected that a

Act V of Purvis & edit. 1733 & 1752.

Various Readings.

(a) 'Place' in Purvis and Ch. City and P. Rand. MSS

Exportation of grain, pulse, meal & bread prohibited, in consequence of the late storm.

Penalty.

How provisions for the use of vessels may be obtained.

Penalty for evading this provision.

Inhabitants of Maryland may be supplied for their own consumption.

greate penny should ensue, for prevention whereof, as much as may be, *it is enacted by this grand assembly and the authority thereof*, that noe graine, pulse, meale or bread shalbe exported out of this country from the date of this act untill the five and twentyeth of October, 1668, in any ship or vessell trading hither, and for their surer restraint a clause shall (by those appointed to grant lycences for trade) be inserted into their bonds that they shall not buy any of the said graine, pulse, meale, or bread more than for the necessary expence of themselves and company during their abode in this country, and their voyage to the next port; and any merchant or master of any ship or vessell that shall directly or indirectly receive or suffer to be received aboard his ship or vessell, any graine, pulse, meale or bread contrary to the intent of this act, shall forfeite his said ship, vessell and goods, one halfe to the use of the publique, the other to the detector or informer, and for better prevention hereof, *it is further enacted*, that every master wanting provision as aforesaid for the use of himselfe and company shall make the collector (from whom he received his lycense to trade) acquainted with his occasions, and he shall have power to grant him permission to buy soe much as may be sufficient for him, upon sight of which permission it shall be lawfull for any to sell him the quantity therein expressed and not otherwise; the seller still indorseing the quantity sould, and being lyable to be put to his oath he sold him noe more; and if it shall be proved by confession or legall conviction that any one hath sold to any master of ship or merchant any graine, pulse, &c. without such lycence he shall be fined one thousand pounds of tobacco for each bushell soe sold, and each master, merchant, or other person by the appointment that shall under colour of his permission buy more then is allowed, besides the losse of the goods, shalbe fined the like summe; *provided* that it be lawfull for the inhabitants of the province of Maryland first makeing oath before a magistrate and giving caution that what they buy shall not be carryed out of the capes to carry away and purchase graine, pulse, meale or bread for the necessary supply of the wants of that province, any thing in this act to the contrary notwithstanding.

ACT VII.

An act for the rateing ordinarie keepers.

Act VI of Purvis & edit. 1733 and 1752.

WHEREAS most persons haveing busines at general or county courts are soe exacted upon by the excessive and exorbitant rates imposed by ordinary keepers on their dyet and drinke, that many times terrified by the charge, they are forced either to desist from prosecuting their just claimes, or ruine themselves by the charge, the remedy whereof being oftentimes endeavoured, and this assembly resuming the same into their consideration, *have thought fitt to enact, and be it enacted by this present grand assembly and the authority thereof* that noe ordinary keeper shall have lycence granted him to keep an ordinary or to sell victualls or drinke before they have given bond with good caution not to sell either victualls or drinke at greater rates then hereafter mentioned, viz.

Preamble.

Ordin'y keepers not to be licens'd till they have given bond not to exceed legal rates.

	lbs.	to.	per meale.
Dyett for masters	15		
for servants	10		
Lodging for either	05	per night.	
		s.	lb.
Rum per gallon	10	or	100
Beer per gall.	04	or	040
Spanish & Portugall wines per gal.	10	or	100
french wines per gall.	08	or	080
Brandy, English spirits or Vir-	} 16	or	160
ginia drams per gall.			
Syder or perry per gall.	02	or	25

Rates of diet and liquors.

The two last haveing the greater rates to encourage any thing that is the produce of the country, and if any ordinary keeper in contempt of this law shall presume to sell at greater rates then aforesaid, he shall upon complaint and prooffe thereof pay for the first offence one thousand pounds of tobacco, for the second have his lycence taken away and forfeite the penalty of his bond, one halfe to the informer, the other halfe to the use of the country.

Penalty for exceeding legal rates.

Signed by Sir WILLIAM BERKELEY,
Governor.

ROBERT WYNNE, Speaker.
(Note to edit. 1733 & 1752.)

*AT A

GRAND ASSEMBLIE,

HOLDEN AT JAMES CITIE

Sir W. Berkeley, governor.
BY PROROGATION FROM THE 23d SEPTEMBER, 1667
TO THE SEAVENTEENTH OF SEPTEMBER 1668;
AND IN THE TWENTIETH YEARE OF THE
RAIGNE OF OUR SOVERAIGNE LORD
KING CHARLES THE SECOND.

ACT I.

An act for establishing a ffast.

Edit. 1733 and
1752.

Purvis 157.

Preamble.

Fast day appointed.

Penalty for
working, gaming
or drinking upon.

WHEREAS the many sins of this country may justly provoke the anger of Almighty God against us, and draw down his judgments upon us, unles diverted by a timely and hearty repentance, the governour, councill and burgesses of this grand assembly takeing the same into their serious consideration, *have enacted and doe by these presents enact* that the 27th day of August next be sett apart for a day of humiliation, hereby strictly requireing all persons on that day to repaire to their respective parish churches, with fasting and prayers to implore Gods mercy and deprecate the evils justly impending over us; *And be it further enacted* that if any person or persons in contempt hereof shall be found on that day working, gaming, or drinking (workes of necessity only excepted) he or they soe offending, upon presentment of the churchwarden, and prooffe thereof made to the ves-

Various Readings.

* The commencement taken from *Ch. City* and *P. Rand.* MSS. In the Northumberland MS. it is, 'All a GRAND ASSEMBLY held at James Citie Sept. 17th 1668, Annoq. Regni Regis Caroli scdi. 20'

try shalbe fined by them one hundred pounds of tobacco. halfe to the informer, halfe to the poore of the parish, *And it is further enacted* that all ministers in the parishes where they reside be required to prepare themselves for the solemnizing that day.

Duty of ministers.

ACT II.

The injunction of ships to ride under the ffort dispensed with.

Edit 1733 and 1752.

WHEREAS the act for erecting fforts enjoynes all ships trading into this country to ride within the command of the fforts now erected, for security of the said ships in time of warr and danger, and since God hath restored unto us the blessing of an universall peace, by which the necessity occasioning that injunction is taken away; The governour, councill and burgesses of this assembly, for the ease and convenience of the inhabitants and traders, *have enacted, and doe by these presents enact*, that lycence and liberty shalbe, and hereby is granted to all merchants or masters of any ship or vessell that already is, or hereafter shall come into any river of this country to ride with their ships in any parte of that river they shall make choice of, for better dispatch of their affaires and this permission to continue in force untill the governours honour find just cause to command the contrary.

Purvis 157.

In consequence of an universal peace, ships permitted to ride at anchor any where.

ACT III.

About Appeales.†

WHEREAS the present act about appeales seeming to take care only of the damages susteyned by creditors in actions of debt, is deficient (a) in

Edit. 1733 and 1752.

Purvis 158.

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752 is, 'Anno viccissimo CAROLI secundi regis.'

† In Purvis, the title of this act is, 'An act concerning damages in appeals;' in *Ch. Citty* and *P. Rand. MSS.* 'An act about damages on appeals.'

(a) 'Difficult' in Purvis, and *Ch. Citty* and *P. Rand. MSS.*

Damages on all appeals, as well as in debt, raised to 50 per cent on the costs and damages recovered in the inferior courts.

prescribing a remedy in actions of the case, trespass, &c. by which impunity litigious persons doe more boldly persist in stirring up and prosecuting malicious and unjust suites, to the great trouble, vexation and damage of many honest men, and the breach of his majesties peace, for redresse whereof, *It is enacted by the governour, councill and burgesses of this grand assembly and the authority thereof;* that in all actions, the damages, costs and reasonable expences of suites recovered against the appellant in the county court by judgment or verdict of a jury, shall give 50 per cent raised upon all those costs and damages, in the general court, or assembly if appeales be made from the general court, against the person appealing if cast in the suite.

ACT IV.

*About Runawayes.**

Edi. 1733 and 1752.
Purvis 158.
Corporal punishment inflicted on a runaway servant, no exemption from further service.

WHEREAS it hath been questioned whether servants running away may be punished with corporall punishment by their master or magistrate since the act already made gives the master satisfaction by prolonging their time by service, *It is declared and enacted by this assembly* that moderate corporall punishment inflicted by master or magistrate upon a runaway servant, shall not deprive the master of the satisfaction allowed by the law, the one being as necessary to reclayne them from persisting in that idle course, as the other is just to reparaire the damages susteyned by the master.

ACT V.

Purvis 159, & edi. 1752.
Edi. 1733.
(This act omitted in Purvis, & the tit. wanting in Northb. MS.)

An act empowering countie courts to build worke houses, assisted by the vestrie.

WHEREAS the prudence of all states ought as much as in them lyes to endeavour the propagation and encrease of all manufactures conducing to the

Various Readings.

* The title of this act in Purvis, *Ch. City* and *P. Rantl. MSS.* and edi. 1733 and 1752, is, 'An act about correction of runawayes.'

necessities of their subsistence, and God having blessed this country with a soyle capable of producing most things necessary for the use of man, if industriously improved, *It is enacted by this grand assembly and the authority thereof*, that for the better converting wool, flax, hempe, and other comodities into manufactures, and for the encrease of artificers in the country, that the commissioners of each county court, with the assistance of the respective vestries, of the parishes in their counties, shalbe and hereby are impowred to build houses for the educating and instructing poore children in the knowledge of spinning, weaving, and other useful occupations and trades, and power granted to take poore children from indigent parents to place them to worke in those houses.

County courts assisted by vestries, empowered to erect work houses and place poor children therein to be instructed in spinning, weaving, &c.

ACT VI.

*About Horses.**

WHEREAS the number of horses and maires is soe encreased that there appears not any occasion to continue the restraint of their exportation, *It is enacted by this grand assembly and the authority thereof*, that the exportation of horses and mares shall be from henceforth free, and the act prohibiting it repealed.

Exportation of horses & mares permitted, and act prohibitive repealed.

ACT VII.

Negro women not exempted from tax.

WHEREAS some doubts, have arisen whether negro women set free were still to be accompted tithable according to a former act, *It is declared by this grand assembly* that negro women, though permitted to enjoy their freedome yet ought not in all respects to be admitted to a full fruition of the exemptions and impunities of the English, and are still lyable to payment of taxes.

Edi. 1733 and 1752. Purvis 159. Negro women though emancipated liable to pay taxes.

Various Readings.

* In Purvis and Ch. City and P. Rand. MSS. and edi. 1733 & 1752: the title of this act is, 'An act permitting the exportation of horses and mares.'

ACT VIII.

Edit. 1752.

Marking tobaccoe doth transferre the property.

Purvis 169 and
edit. 1733.
Creditor re-
ceiving and
marking to-
bacco, com-
pelled to admit
it in payment.

If marked by
receiver, may
be weighed by
a justice

WHEREAS some questions have been made whether weighing, or markeing, or both, transferred the property of tobacco, some persons haveing both by weight and marke received, and by the alteration of their owne occasions have after refused the tobacco soe received, and upon pretence of non-acceptance (haveing the specialities still in their hands) have recovered judgments for sums that justly were discharged, *therefore be it enacted by this grand assembly and the authority thereof,* that markeing alone (being the usuall way of appropriating all things) without weighing doth transferre the property of the tobacco to him that sett, or causeth to be sett his marke upon itt; And that for ascertaining the summe paid, if the receiver hath not convenience to weigh it when he markt it, then he that pays it, may after ten dayes respite, desire any commissioner of that county to weigh the tobacco or cause it to be weighed, and the attestation of the said commissioner or oath of the person or persons by him deputed shall oblige the creditor to discount or allow the quantity.

ACT IX.

*About Ordinaries.**Edit. 1733 and
1752.

Purvis 169.

Preamble.

WHEREAS the excessive number of ordinaryes and tipling houses set up for the advance of a private gaine, are found to be full of mischeife and inconvenience by cherishing idlenes and debaucheryes, in a sort of loose and carelesse persons who neglecting their callings mispend their times in drunkennesse, and naving once contracted debts beyond their abilities of payment make escapes out of the country to the detriment of the publique the losse of their perticuler creditors, and often induce a charge upon the parish

Various Readings.

* The title of this act in Purvis and Ch. City and P. Rand. MSS and edi. 1733 & 1752. is, 'An act for restraint of tipling houses.'

where they lived, *Bee it enacted and declared* that the commissioners of each county court be required to take special care for the suppressing and restraint of the exorbitant number of ordinaries and tipling houses in their respective counties, and not to permitt in any county more then one or two, and those neare the court house, and noe more, unles in publique places, as ports, fierryes, and greate roades, where they may be necessary for the accommodation of travellers, according as the said courts shall find the necessiyes of their counties require; And further, that the commissioners take good security for those to whome lycenses are granted to conforme themselves to the lawes, and that all persons keeping tipling houses without lycence shalbe fined two thousand pounds of tobacco, halfe to the informer, halfe to the county for each time he offends.

Not more than 1 or 2 ordinaries to be licensed in a county, and those near the c'thouse; except at ports, ferries & great roads.

Good security to be taken of those licensed to conform to laws.

Penalty for keeping a tipling house without lycence.

The assembly and next general court is adjourned to the five and twentyeth day of September next, unlesse the governour see occasion to call it sooner.

GRAND ASSEMBLY,

HOLDEN AT JAMES CITIE

Sir W. Berkeley,
governor.

BY PROROGATION FROM THE SEVENTEENTH OF
SEPTEMBER, 1668, TO THE TWENTIETH OF
OCTOBER 1669; IN THE TWENTIE FIRST
YEARE OF THE RAIGNE OF OUR SO-
VERAIGNE LORD KING CHARLES
THE SECOND.

ACT I.

*An act about the casuall killing of slaves.*Edi. 1733 and
1752.
Parvis 161.Slave resisting
his master, or
other by his
master's order
correct'g him,
if killed, not
felony.

WHEREAS the only law in force for the punish-
ment of refractory servants (a) resisting their master,
mistris or overseer cannot be inflicted upon negroes,
nor the obstinacy of many of them by other then vio-
lent meanes suppress, *Be it enacted and declared by
this grand assembly*, if any slave resist his master (or
other by his masters order correcting him) and by the
extremity of the correction should chance to die, that
his death shall not be accompted felony, but the mas-
ter (or that other person appointed by the master to
punish him) be acquit from molestation. since it can-
not be presumed that prepenesd malice (which alone
makes murther felony) should induce any man to de-
stroy his owne estate.

Various Readings.

* The commencement taken from *Ch. City and P. Acad.* M55. In the Northb. MS. it is, 'Att a Grand Assembly held att James City by
'prorogation from Sept. the 17th [1663] to October 20th 1666, An-
'noq Dom. Rs Caroli Scdi. 190.' (But the date is a mistake.)

(a) 'Persons' in Parvis

ACT II.

Against importation of Horses and Mares.

WHEREAS the last assembly partly to restrain the numerous increase of horses now rather growing burthensome then any way advantagious to the country, partly to encourage trade, did permit that mares might be exported, this assembly takeing care that both the ends might be advanced as aforesaid, *have enacted, and by these presents do enact*, that noe horses or mares after the last of December next, shall be by any person or persons imported or brought into this colony, from any other plantation or government whatsoever; and that if any person or persons shall contrary to the intent of this act, by any wayes or meanes, bring into this country, any horse or mare, after the last of December aforesaid, the sherriffe of the county, into which they shall be brought, is hereby strictly required and enjoyned to make present seizure of the said mares or horses for the use of the publique, and to render an accompt thereof to the next assembly and out of the value the moiety thereof to be allowed to the informer.

Edit. 1733 and 1752.

Purvis 161.

Preamble.

No horses or mares to be imported.

If imported may be seized by the sheriff, for the use of the public, and a moiety of the value paid to the informer.

ACT III.

Re-examination of orders in the county courts.

WHEREAS the 27th act of assembly, March the 23d, 1661, prescribes a way of examination of orders in the general courts, but noe mention made of the county courts; *It is hereby enacted* that the course in that act prescribed for the general courts, shall be strictly observed in the county courts, and the county court omitting according to that act to examine and signe their orders shall be fined for each omission 1000lbs. of tobacco, whereof the sherriffe shall give accompt to the next assembly who are to dispose the same to the use of the publique.

Edit. 1733 and 1752.

Purvis 162.

Act for examining & signing orders in gen. court, extended to county courts. Penalty for neglect.

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752 is, *Alto vicessimo primo CAROLI secundi regis.*

ACT IV.

Edit. 1733 and
1752.

Purvis 163.

Clerks' fee for
a *dedimus po-*
testatem in gen.
and co'ty c'rts.

fee of a dedimus potestatem.

WHEREAS the act granting the taking out commission of *dedimus potestatem* omitting the fee hath caused greate extortion in diverse clerks, *It is enacted* that a fee for a *dedimus* issuing from the general court may be ascertained at fifty pounds of tobacco, and in the county court at twenty five pounds of tobacco each comission.

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ACT V.

Purvis 163 and
Edi. 1733 1752
and 1769.

Virginian owners
exempted from
castle duties,
as well as
the 2s. per hhd.

Virginia owners free from castle duties.

WHEREAS the act for encouragement of Virginia owners exempts them from the paying of the two shillings per hogshead, *It is enacted* that they be also exempted from paying the castle duties for their greate encouragement.

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ACT VI.

Edit. 1733 and
1752.

Purvis 163.

Former premium
for making
silk re-
vised.

Encouragement for Silke.

WHEREAS the advancement for the making of silke will undoubtedly tend greatly, as to the present honour and reputation, soe to the future great benefit and profit of the country, *It is enacted* that the former encouragement of fifty pounds of tobacco for every pound of wound silke be allotted as formerly out of the publique.

—————

ACT VII.

Edit. 1733 and
1752.

Purvis 164.

Each county
compelled to
send two bur-
gesses.

Two burgesses for each county.

WHEREAS severall inconveniencies have arisen by the act giving liberty to the counties to chuse one or two burgesses at discretion as the retarding the busines at the house when those single burgesses are

upon committees, or of any suite of their owne, or difference between diverse parishes of the counties, or have their appearance hindred by sicknes or otherwise, in all which occasions the county that sends, or parte of it are deprived of the priviledge of their representative, *It is enacted* that each county after this present session shalbe enjoyned to returne two burgesses for the better service of the publike.

ACT VIII.

Against Runawayes.

WHEREAS diverse good lawes have been made to prevent runaway servants which have hitherto in greate parte proved ineffectuall. chiefly through the wickednesse of servants who at and before their arrivall plott and contrive how they may free themselves from their master, by running to neighboring plantations, and partly by the remisues of some planters who are soe farre from apprehending these knowne runawayes that some have given them assistance and directions how to escape, to the ruyne of many masters of ffamilies, who have not servants enough left (whome he can trust) to follow and pursue those runawayes, and others unconcerned for want of a certaine reward will not endeavour to apprehend and retorne them to their masters: *Be it therefore enacted* that whosoever apprehends any runawayes whither servant by indenture, custome, or covenant, not haveing a legall passe, by those in every county that shall be appointed to give passes, or a note from his master, shall have a thousand pounds of tobacco allowed him by the publike, which tobacco shall be repaid by the service of the servant to the country when free from his master, and by the hired freeman immediatly after expiration of his covenant to the man that apprehends, and this greate good which is hoped for can be noe prejudice by this act to any man nor to the publike, who will insensibly disburse that which the poore master is oftentimes not able to doe, nor to the servants, who if they keep within the bounds of their duty, are in noe way damnified by the severity of this

Purvis 164 and
Edi. 1733 and
1752.

(The title on-
ly of this act in
Purvis.)

Preamble.

Reward for
taking up a
runaway, to be
paid by the
public and re-
imbursed by
the service of
the servant.

Runaway when apprehended, how to be dealt with.

Duty of constables.

When servant may be sold to reimburse the public.

act, and it is hoped they will be soe when they know soe many spies are upon them, *And by it further enacted* that he that takes up such runaway is hereby enjoyned first to carry him before the next justice who is to take cognizance of his good service, and to certifie it to the next assembly, and then to deliver him to the constable of the parish where that justice dwells, who is to convey him to the next constable, till he be returned to his master, and that each constable upon receipt of such runaway give his receipt, and if escape be made from any constable, the delinquent constable to pay one thousand pounds of tobacco; and for the reimbursing the publique with the tobacco disbursed to the taker up, *It is hereby enacted* that the courts of that county wherein the servant served his tyme be empowered to make sale of the servant, and be accountable to the next assembly. And this sale to be made after all tyme of service due to the master by indenture, or judgments expired, and this act being only encouragement for the apprehender, doth not at all repeale the clause of any act prescribing the means of reimbursing the charge expended in their conveyance to their master

1. 1733.

ACT IX.

An act for destroying Wolves.

Purvis 164 & Edit. 1733 and 1752.

(The title only of this act in Purvis.)

Tributary Indians to bring in a certain number of wolves heads annually.

SINCE it is most evident that the inhabitants of this country doe receive dayly damage by wolves, and noe fitt way or temper yet found for the destruction or diminishing of them, *It is enacted* that the Indian tributaries be enjoyned and assessed to bring in a certaine number annually, that is to say:

		Bowmen	wolves
		or hunters.	heads.
Proportion to certain counties.	Into Nanzemond county, the Nanzemonds being about	45	9
	Surrey.	{ Powchay-icks	30 6
		{ Weyenokes	15 3
		{ Men-Heyricks	50 10
Charles City County.	{ Nottoways, 2 townes	90	18
		{ Appemattux	50 10

		Bowmen or hunters.	wolves heads.
Henrico County.	{ Manachees	30	6
	{ Powhites	10	2
New Kent.	{ Pamunckies	50	10
	{ Chickahomnies	60	12
	{ Mattapanies	20	4
	{ Rapahanocks	30	6
Gloster.	{ Totas Chees	40	8
	{ Chiskoyackes	15	3
Rapahanock.	{ Portobaccoes	60	12
	{ Nanzcattico	} 50	10
	{ Mattehatique		
Northumberland.	Wickacomico	70	14
Westmoreland.	Appomatux.	10	2
		725	145

And for the putting this act into effectuall execution, *It is enacted by this grand assembly* that the county courts doe appoint a certaine person or persons in their counties to receive from the respective Indians, assigned them as aforesaid, the heads which are to be brought in by these Indians, and to keep a just account of the number, and to present to the said court such as are deficient to doe, and neglect to bring in their due number, against such, viz. against the greate man of the towne, the said court to issue out summons for his appearance to shew cause for his or their default, and to warne them to fulfill their number, but if after such waruing given as aforesaid, the said Indians shall neglect and be wanting in their number, the court shall transmitt the contempt to the next assembly for a further remedy, *And it is further enacted* that for what number soever of wolves heads shalbe brought to the persons appointed as aforesaid, over and besides the number perticularly assessed on the townes such persons appointed as aforesaid shall pay the Indian for every head to the full and just value of one hundred pounds of tobacco and caske, of all which heads as well those imposed on the Indians, and the supernumeraries, as those that are killed by the English, the accompts to be annually presented to the county courts who are to transmitt them to the assembly there to be charged on the publike levies for

County courts to appoint commissioners to receive heads.

Indians neglecting, how proceeded against.

Reward to the Indians.

Amount transmitted to assembly to be charged on the levy.

Ears to be cut
off the wolves
heads.

Oath.

Compensation
to gov. in lieu
of wolves
heads, on acc't.
of his tribute.

Gov'r. may li-
cense Indians
to come in any
county.

that yeare; and such as pay for the heads as aforesaid, and English that kill them to be paid and reimbursed out of the publique levye of their county; alsoe those persons that receive the wolves heads from the Indians, and that grant certificates (as accustomed to the English) are to cause the eares to be cut from off the wolves heads to prevent deceite; and that the magistrate granting certificate to the English, doe administer oath that the heads of the wolves they bring in were not killed or taken by the Indians. And that the clerke of the assembly forthwith give notice to the respective counties whereto the Indians are to bring in the heads that the county courts may give sufficient notice to the Indians according to the intent of this act.

It is further enacted by the assembly that upon the retorne of the accounts of wolves heads at the next assembly, It be then considered what satisfaction shalbe made the right honourable the governour in lieu of the wolves heads brought in on the account of his tribute; & because some lawes prohibite the Indians from coming among the English, the governour is requested by his commission to lycence them in any county desiring to employ them.

Signed by Sir WILLIAM BERKELEY, *Govr.*
ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733 & 1752.*)

STAT.

GRAND ASSEMBLIE

HOLDEN AT JAMES CITTIE

BY PROROGATION FROM THE TWENTIETH OF OCTOBER 1669, TO THE THIRD OF OCTOBER 1670, IN THE TWENTIE-SECOND YEARE OF THE REIGNE OF OUR SOVERAIGNE LORD KING CHARLES THE SECOND.

Sir W. Berkeley, governor.

ACT I.

An act concerning runaways.

WHEREAS the act made the last assembly for encouragement to apprehend runaways hath seemed to be too burthensome to the publique by the greatnes of the summe there granted to the taker of them up, and alsoe defitient in some things very necessary to the restraint of runawayes, upon consideration whereof, *it is enacted and ordered by the governour, councill and burgesses of the grand assembly and the authority thereof,* that the former act of October 1669, continue in its full force; but that the summe of one thousand pounds of tobacco therein granted to the taker of them up shall be, and hereby is reduced to two hundred pounds of tobacco, if the runaway be found above tenn miles from his masters house, to be paid by the publique in the county where the party dwells, (if it can be) for every servant of what quality soever; and that the servant not being slave (who are also comprehended in this act) after the expiration of his full tyme due

Edit. 1783 and 1752.
Purvis 165.

Reward for taking up a runaway reduced from 1000 to 200 lbs of tobacco.

Slaves comprehended in this act.

Various Readings.

* The commencement taken from *Ch. City* and *P. Rand.* MSS in the Northumberland MS. it is, 'Att a GRAND ASSEMBLY held att James Citty, the 3d of October 1670, Annoq. Dni Regis Caroli secundi 20 0' (But the date is a mistake.)

Servants after expiration of their time, to serve 4 months for every 200 lbs. tob'co. paid for apprehending them.

Servants running away twice to have their hair close cut.

Penalty on masters for neglect.

Every constable, through whose hands a runaway passes to whip him severely.

Constable to give a receipt for runaway. Pen'ty on constable permitting escapes.

Servants indebted to the public for runaway's fees, to be delivered over to

to his master shall serve any person he shalbe assigned to by the assembly or any commissioners from them the terme of flower months for every two hundred pounds of tobacco paid for them, the said assignee giving caution to the said commissioners to repay the tobacco to the publique; and the commissioners receiving such caution to retorne it to the county courts, and the county court to the assembly; and that the said runaways may be the more easily detected, *It is further enacted* that every master haveing a servant that hath runaway twice shalbe and hereby is enjoyned and commanded to keepe his haire close cutt, and that every such master fayling herein shalbe fined two (a) hundred pounds of tobacco for every time the said fugative shall after the secondtyme be taken, the one halfe to the publique, the other halfe to the informer, And for the better preventing such attempts, *It is further enacted* that every constable into whose hands the said ffugative shall by any commissioners warrant be first committed, shalbe, and hereby is enjoyned by vertue of this act (though omitted in the warrant) to whip them severely, and then to convey him to the next constable (towards his masters home) who is to give him the like correction, and soe every constable through whose precincts he passeth, to doe the like, And that constables may be the more carefull in their office, *It is further enacted* that every constable in whose custody the said runaway shall be comitted shall give a receite to the constable or party hee receives him from, if the said ffugative shall by negligence of any constable make an escape (to the end such negligence might be discovered) and for his offence pay ffowre hundred pounds of tobacco, halfe to the publique, halfe to the informer, and the fine in the former act of one thousand pounds of tobacco to be reversed, And because such runaways after the expiration of their tyme, may by vertue of their masters certificate remove from the place they dwelt in, and by such concealment defraud the publique of what hath been disbursed for him, *It is*

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752 is, 'Anno vicessimo secundo Caroli secundi regis.'

(a) 'One' in Purvis

further enacted that every respective master owner of such servants indebted to the publique, shall imediately after the tyme of such servant is expired deliver him to the next justice who is to deliver him to the sherriffe to be seured till the next county court there to be proceeded with as the law directs, unles such servant can procure suffitient security to pay the penalty layd on him by the act, And that every master giving a certificate before such delivery of his servant to the justice shall repay the publique whatsoever hath bin disbursed for the recovery of his servant during the tyme he served him.

justice & sherriff, & sold on the expiration of their time; unless they can procure security.

Pen'ty on master giv'g a certificate of freedom before delivery to justice.

ACT II.

Concerning ffences.

Edit. 1783 and 1752.

WHEREAS the act ffor ffences doth not suffitiently provide for remedy of those many damages done by unruly horses breaking into corne ffields, *It is by the authority of the grand assembly enacted*, that the owner of such horses shall be, and hereby is required and enjoyned to take some effectuall course for restrayning them from trespassing their neighbours, from the twentyeth of July till the last of October in every yeare, it being much ffitter that rich men who have the benefitt of such horses should provide for their restraint, then the poore enjoyned to the impossibility of every high ffences; and if any horse or horses shall at any tyme breake into any corne feild, the ffence being ffowre foote and halfe high, then the owner of such horse or horses, upon prooffe of the damage, shall pay for the ffirst trespasse single damages and for every trespasse after double dammages to the party greived; And because question hath been made about the sufficiency of ffences according to the former act, of enjoyning them to be close to the bottome, *It is hereby declared* that being soe close that nothing mentioned in the former act can creep through is only by that act intended.

Purvis 167. Owners of horses to confine them between 20th July and last of October.

For first trespasse by horses the owner to pay single damages, & for every trespasse afterw'ds double.

What is meant by a fence, close to the bottome.

ACT III.

Election of burgesses by whom.

Edit. 1733 and
1752.

Purvis 167.
(See vol. 1, in-
dex title 'Bur-
gesses'.)

None but free-
holders and
house keepers
entitled to vote
for burgesses.
Elections to be
held at court-
houses.

WHEREAS the usuall way of chusing burgesses by the votes of all persons who haveing served their tyme are freemen of this country who haveing little interest in the country doe oftner make tumults at the election to the disturbance of his majesties peace, then by their discretions in their votes provide for the conservation thereof, by makeing choyce of persons fitly qualified for the discharge of soe greate a trust, And whereas the lawes of England grant a voyce in such election only to such as by their estates real or personall have interest enough to tye them to the endeavour of the publique good: *It is hereby enacted*, that none but freeholders and housekeepers who only are answerable to the publique for the levies shall hereafter have a voice in the election of any burgesses in this country: and that the election be at the court house.

ACT IV.

List of tythables to be published.

Edit. 1733 and
1752.

Purvis 168.

Names and
number of tith-
ables to be set
up by the cl'k.
of court for the
better discove-
ry of conceal-
ed

WHEREAS many endeavours have been used for the prevention of fraud in taking the lyst of tythables, *It is hereby enacted* for the surer discovery thereof that at the next court after the tenth of June in every county the name and number of tythables in every list taken by the respective justices in the respective precincts lymitted them, be taken by the clerke of the county court, and by him written and sett up at the court doore all that day, to the end that if any concealment have been made, the persons liveing neare them may discover them to the court, and such penalties be inflicted on them as by the former law is enjoyed.

ACT V.

Edit. 1733 and
1752.

Purvis 169.

Noc Negroes nor Indians to buy christian servants.

WHEREAS it hath beene questioned whither Indians or negroes manumitted, or otherwise free, could be capable of purchasing christian servants. *It*

is enacted that noe negroe or Indian though baptised and enjoyned their owne freedome shall be capable of any such purchase of christians, but yet not debarred from buying any of their owne nation.

Free negroes & Indians not permitted to buy Christian servants, but may those of their own nation.

ACT VI.

Certificate for Marriage, how to issue.

Edit. 1733 and 1752.

Purvis 169.

WHEREAS complaint hath beene made that diverse persons to the defeating the law and defrauding parents and guardians of that naturall right and just privilege in disposing of their children or orphants in marriage, have clandestinely procured the clerke of other counties then that the parents live in, to give them certificates for lycences, and soe the parents by the inequality of the match dishonoured, and the child ruynated in her fortunes, *It is enacted* that the act for lycences to issue on certificates from clerkes of the county courts be declared to extend to noe other clerke but of the county, where the maid, her parents or guardian dwell, and that the said clerke of the county shall not grant any such certificate without the personall consent of the parent or guardian, and that in every certificate the clerke shall expressly averre the same. and every clerke that shall grant them otherwise then above expressed shall forfeite his place.

Certificate for marriage only to issue from the cl'k of the county where the parents dwell. Their personal consent necessary.

Pen'ty on cl'k

ACT VII.

Litigious Suits.

Edit. 1733 and 1752.

Purvis 170

WHEREAS diverse litigious suites are commenced meerly out of envy and malice, to the ruine of diverse poore men by forseing them to a neglect of their domestique affaires, and unnecessary expenses during their attendance at generall courts, *It is hereby enacted* that in all cases when as the molestation shalbe found to be unjust, the party see molesting, without cause, may be enforced to pay to that party greived for every day he may reasonably be in going to James City, and retorning home thirty pounds of tobacco per day, and for every day of his attendance to answer

Expenses of going to court and attending, besides costs of it, recoverable in litigious suits.

sixty pounds of tobacco per day, besides his ordinary non-suite allowed by a former act, and costs of court.

ACT VIII.

Commissioners warrants.

Edit. 1733 and
1752.

Purvis 170.

Warrants on
hue & cry, or
to apprehend
& convey run-
aways, to be
executed by
all constables,
in any county.

WHEREAS it hath been doubted whether the warrant of any commissioner be of force to constraîne a constable of another county to prosecute by hue and cry, or to apprehend and convey runaways to the next constable, *It is hereby enacted and declared* that the said warrant directed first to a constable within his owne precincts, and soe from constable to constable shall, for avoyding delay in such necessary persuites, oblige every constable to whome it shall come to the observance and performance of the contents of this precept.

ACT IX.

Penalties for not returning two burgesses.

Edit. 1733 and
1752.

Purvis 171.

County failing
to send 2 bur-
gesses, fined
10,000 lbs. to-
bacco.

WHEREAS the act for electing two burgesses for each county for want of a ffine hath not had that due observance it ought, *It is enacted* that every county not sending to every session of assembly two burgesses shall be fined ten thousand pounds of tobacco to the use of the publique.

ACT X.

Repeale of the act concerning wolves.

Edit. 1733 and
1752.

Purvis 171.

Act XI of
Oct. 1669,
repealed.

WHEREAS the act for encouragement of the Indians to kill wolves and paying their tribute bever, in wolves heads, hath not produced such effects as was hoped and desired, *It is therefore enacted* that the act concerning the destruction of wolves and paying the encouragement by the publique be repealed, and the former act to remayne in force.

ACT XI.

An act for the better payment of the 2s. per hoghead.

Purvis 171 and
Edit. 1733 and
1752.

WHEREAS there appears an inconvenience in the act which allows the duties to be paid in goods, which are found to be unſaleable or perihable, and the loſs ſtill brought in ballance to ſwell high the publique account; *It is therefore enacted* that it be repealed, and the duties enjoyned to be paid only in mony or good bills of exchange well ſecured.

Dut's payable
only in money
or good bills of
exchange.

ACT XII.

*What tyme Indians to ſerve.**

Edit. 1733 and
1752.

WHEREAS ſome diſpute have ariſen whither Indians taken in warr by any other nation, and by that nation that taketh them ſold to the English, are ſervants for life or terme of yeares, *It is reſolved and enacted* that all ſervants not being chriſtians imported into this colony by ſhipping ſhalbe ſlaves for their lives; but what ſhall come by land ſhall ſerve, if boyes or girlſe, untill thirty yeares of age, if men or women twelve yeares and no longer.

Purvis 172.
Indians taken
in war, & ſold
by Indians, not
to be ſlaves—
Servants, not
Chriſtians, im-
port'd by ſhip-
ping, ſlaves;
if by land, to
ſerve a certain
term only.

ACT XIII.

Runawayes.†

(See ante act
VIII. of Oct.
1669.)

WHEREAS moſt or all the certificates now preſented being brought by the burgeſſes and others, not actually apprehenders, are very doubtfull, and lyable to greate errors and ffraud, *It is hereby or-*

Various Readings.

* The title of this act in *Ch. City* and *P. Rand.* MSS. and edi. 1733 and 1752, is, 'An act declaring who ſhall be ſlaves;' in Purvis, 'An act concerning who ſhall be ſlaves.'

† This act omitted in Purvis, the *Ch. City & P. Rand.* MSS. and edi. 1733 & 1752; but it evidently grew out of the act of October, 1669, ch. 8, ante p. 273.

Certificates presented for apprehending runaways to be returned to county courts, there to be examined.

Only the first taker up to be paid.

Runaways escaping, constable only liable.

Interrogations to be put to claimants.

Penalty for present'g fraudulent claims.

What certificates to be examined by county courts

dered that they be remitted from hence to the respective county courts, there to be diligently enquired into, and all claymes to be sworne to such interrogatories as shalbe offered to distinguish those which are obteyned *bona fide* from such as are had by colusion, and the result retornable the next assembly by the burgeses; And whereas they found one and the same servant taken up at sundry tymes by sundry persons, *It is further ordered* that only the first taken up be allowed of it, being presumable that such as runaway more then once are desperate and incorrigible, and soe not careing how farre the country is charged themselves, being run beyond a possibility of reimbursing, And further that if any after their apprehension have made an escape the persons damnified are left to their remedy against the constable, and for better discovery of fraud. *It is ordered* that the justices of the respective courts shall put to all claymers these or the like interrogatories, vizt. *ffirst*, that the claymers did *bona fide* without any colusion take up the runaway, and whether he knew that the fugative soe taken up at that tyme was an hired servant or not. *Secondly*, when, where, and at what distance from his masters house the said fugative was apprehended. *Thirdly*, whither the certificate claymed be purchased, and if soe, for what summe or consideration; *ffourthly*, whether the claymer be master or overseer of the flugative. *And it is further ordered* that if any have presumed to have used any fraud in this matter of runawayes, and shalbe thereof convict before the justices of the respective counties that a fine of one thousand pounds of tobacco be imposed upon them, and the certificate to be voyd, and if the offender herein is incapable to make such fine, then to have corporall punishment at the discretion of the courts. And whereas the said act of '69 enjoyned the retorne of all certificates should be made to this assembly, *It is further ordered* that those only shalbe received to examination of the county courts which have been attested by the clerke of the committee.

ACT XIV.

An act concerning Northumberland county bounds.

WHEREAS there have been severall differences between the county of Northumberland and Lancaster about their bounds, and an order passed that they should remayne as they now are upon record, and a reference thereupon granted to the assembly at the instance of the burgess of Lancaster, who now not shewing any cause for the altering of them, *It is ordered* that the bounds betweene the said two counties as they now stand upon record be ratified and confirmed.

(This act omitted in Purvis and all the revisals.)
Boundaries of Northumberland & Lancaster confirmed.

Signed by Sir WILLIAM BERKELEY, *Govr.*
ROBERT WYNNE, *Speaker.*

(*Note to edit.* 1733 & 1752.)

AT A

GRAND ASSEMBLIE.

HOLDEN AT JAMES CITTIE

Sir W. Berkeley, governor.

BY PROROGATION FROM THE THIRD OF OCTOBER 1670,
TO THE 20TH OF SEPTEMBER, 1671; IN THE
TWENTIE-THIRD YEARE OF THE REIGNE
OF OUR SOVERAIGNE LORD KING
CHARLES THE SECOND.

ACT I.

Edit. 1733 and 1752. *An act prohibiting millers the taking more then one Eighth part of English graine toll for grinding thereof.*

Purvis 172.

Toll for grinding Eng. grain one eighth, for corn one sixth.

WHEREAS diverse complaints have been exhibited against the greatnes of toll paid to millers for grinding of corne, for the regulation whereof for the future, *Be it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof, and it is hereby enacted and ordayned, that noe miller henceforward shall take for grinding English graine more then one eighth part, and for grinding Indian corne more then one sixth part as formerly, and that every miller exceeding therein shall undergoe such fine and penalty as is imposed by a former act made att James Citty the 23d of October, 1666.*

Various Readings.

* The commencement taken from *Ch. City & P. Rand.* MSS; the acts themselves from Northb. MS. in which the commencement is, 'Att a GRAND ASSEMBLY, held att James Citty, 20th Sepr 1671, Anno. Regni Rs Caroli scdi 21, 0.' [But the date of the reign is a mistake.]

ACT II.

An act permitting the exportation of wool, hides and iron.

Purvis 173 and
Edi 1733 and
1752.

WHEREAS it was hoped that weavers, tanners and smiths would have been encouraged with greater diligence and cheerfulness to have improved their severall callings for the good of the country when they were sencible what tender care was taken for supplying them with materialls for to work upon, in reference to which the exportation of wool, hides and iron was by an act of assembly (continued the three and twentyeth of March, 1661) under greate penalties prohibited, and that act strengthened by diverse others since, but noe successe answering the conceived hopes and apparent losses accruing to all inhabitants; by the refusall of those concerned to buy the comodities aforesaid, *Be it therefore enacted by this grand assembly and the authority thereof* that all acts tending to the restriction of selling or exporting of any of the comodities aforesaid stand repealed and every one permitted to make the best he can of his owne comodity.

All acts prohibiting the exportation of wool, hides & iron repealed.

 ACT III.

An act for moderateing the rates of liquors.

Purvis 173 and
Edit. 1733 and
1752.

WHEREAS by an act made the 23d of September 1667, some care was taken for moderateing the rates of liquor sold by ordinarye keepers, but for encouragement of the productions of the country it was permitted to sell beer at fflowre shillings or fforty pounds of tobacco per gallon, syder and perry at two shillings and six pence or twenty-five pounds of tobacco the gallon, Virginia drams at sixteene shillings or one hundred and sixty pounds of tobacco the gallon; it is by this grand assembly thought fit that those rates

Act VII of
Sept. 1667,
amended.

Various Readings.

* The running title of the acts of this session in edi. 1733 & 1752 is, 'Anno vicessimo tertio CAROLI secundi regis'

Rates of liquors reduced.

as well as the rates of other liquor be moderated; *Be it therefore enacted and ordayned by this grand assembly and the authority thereof* that the price of Spanish wines be ten shillings or one hundred pounds of tobacco the gallon, french wines eight shillings or eighty pounds of tobacco the gallon; brandy, English spiritts, or Virginia drams ten shillings or one hundred pounds of tobacco the gallon; beer, syder, or perry two shillings or twenty pounds of tobacco the gallon; beer if brewed in molasses one shilling or ten pounds of tobacco the gallon; and if any one selling liquor by retayle shall presume to exceed these rates to suffer those penaltys provided and imposed by the former act on this behalfe made and imposed.

ACT IV.

Edif. 1733 and 1752.

An act providing how negroes belonging to orphants of intestates shall be disposed of.

Purvis 173.

Preamble.

WHEREAS in the former act concerning the estates of persons dying intestate, it is provided that sheep, horses, and cattle should be delivered in kind to the orphant, when they came of age, according to the several ages the said cattle were of when the guardian tooke them into his possession, to which some have desired that negroes may be added; this assembly considering the difficulty of procureing negroes in kind as alsoe the value and hazard of their lives have doubted whither any sufficient men would be found who would engage themselves to deliver negroes of equall ages if the specificall negroes should dye, or become by age or accident unserviceable; *Be it therefore enacted and ordayned by this grand assembly and the authority thereof* that the consideration of this be referred to the county courts who are hereby authorized and impowred either to cause such negroes to be duly apprized, sold at an outcry, or preserved in kind, as they then find it most expedient for preservation, improvement or advancement of the estate and interest of such orphants.

Negroes belong'g to intestate's estates, may be either appraised, sold or preserved in kind, at the discretion of the court.

ACT V.

An act repealing the act making it death for Indians comeing into Henrico county.

Edi. 1733 and 1752.

WHEREAS the burgesses of Henrico county have shewed severall inconveniencies and hazard that may happen by the liberty granted to the English to kill any Indian comeing within the bounds of the said county, which this assembly takeing into their serious consideration, *have enacted, and it is hereby enacted and ordayned by the authority thereof* that the said act be repealed, and the Indians permitted to come into the said county as well as others about their lawfull occasions; *provided* they be noe way entertayned but by lycense legally obteyned from the right honourable the governour as in other places.

Purvis 174.
[See an. p. 237.]
Act making it lawful to kill Indians com'g into Henrico county repealed; and they permitted to come into any county on their lawl. business. But not to be entertained with't license.

ACT VI,

An act ascertaining the sherriffes ffees for arrests.

Edi. 1733 and 1752.

WHEREAS complaint hath been made that some sherriffes extorted greater ffees for arrests then were allowed by law, vizt. twenty pounds of tobacco for commitment and releasement, whether the person were imprisoned or not, *It is enacted and declared by this grand assembly* that the just ffee of an arrest is ten pounds of tobacco, for the bond five pound, and not any thing for commitment or releasement unles the person were actually put in prison.

Purvis 174.

Sheriff's fees for arrests ascertained.

ACT VII.

An act for naturalization.

Purvis 175 and Edi. 1733 and 1752.

WHEREAS nothing can tend more to the advancement of a new plantation either to its defence or prosperity, nor nothing more add to the glory of a prince then being a gracious master of many subjects, nor any better way to produce those effects then the inviteing of people of other nations to reside

Preamble.

How strangers
may be natu-
ralized.

amonge us, by communication of priviledges, *Be it therefore enacted and ordeyned by this grand assembly and the authority thereof*, that any stranger desireing to make this country the place of their constant residence, may upon their petition to the grand assembly, and takeing the oaths of allegiance and supremacy to his majestie be admitted to a naturalization, and by act thereof to them granted be capable of ffree traffique and trading, of takeing up, purchasing, conveying, deviseing and inheriteing of lands, and of all such liberties, priviledges, immunities whatsoever, as a naturall borne Englishman is capable of; *Provided* that the benefitt of such naturalization be confined and esteemed to extend only to the government of Virginia, beyond which this grand assembly pretend to noe authority of warranting its suffitencie, *Be it therefore enacted by the authority aforesaid*, that the ffee for every naturalization be eight hundred pounds of tobacco to the speaker, and ffowre hundred to the clerke of the assembly.

Fee for natu-
ralization.

GRAND ASSEMBLY.

HELD ATT JAMES CITY

SEPTEMBER 20TH, 1671, ANNOQ. REGNI RS. CAROLAE
SECDI 23.*

UPON serious and materiall deliberation of the present condition of the fforts built in the severall rivers in this country, *It is ordered by this grand assembly* that noe further reparation shall be made of the fforts already built in the country, but what shalbe sufficiently done with brick, unles in such places where the expence of a small matter may prevent a demolishing, until such tyme as the stock of the respective associations shall amount to considerable a summe, as may render them capable to erect substantiall structures of brick; that in the meane tyme each assotiation make choice of some responsible person or persons in whose hands the monies arrising by ffort duties may be deposited, which person or persous may be further required to give sufficient security to the commissioners of the assotiation intrusting or impowring him or them to collect the same, to render them a just account when-ever required, and to make payment of the monies received according to their order; *And it is ordered* that all such officers as attend upon the fforts be either continued or discharged at the discretion of each assotiation; and because there hath bin such discontinuance of the meeting of the commissioners appointed to take care of the concernes of the fforts, and in this tyme some dead, some departed out of the country, *It is ordered* that upon the dayes hereafter named there be in each assotiation a meeting of the commissioners in case of whose death or absence the county court for that commissioner they serve, are hereby impowred

Forts not to be repaired but with brick, except in small matters.

Associat'ns to appoint a receiver of fort duties, who is to give security.

Officers either continued or discharged at the pleasure of the associat'n.

Vacancies in commissioners of forts, how supplied.

* This appears to be a *resolution* of the assembly, which is not to be found in Purvis or any of the MSS. of this period, except the Northumberland.

and required to make choice of others, according to act of assembly, to consult and determine of a person or persons to be treasurer or treasurers of that association, and of all matters incident to the full putting this order in effectually execution, and the act of assembly to which it relates, by the result of which commissioners or the major part of them, or such person or persons as shall be deputed, all things aforesaid are from time to time to be acted and ordered.

When to meet. Ordered that the commission of the associations, vizt. James Citty ffort doe meet at the ffort the day of _____ and in case of bad weather the day following.

Of Nansamond ffort doe meet at the same ffort the 6th of November next, and in case of bad weather the day following.

Of Yorke ffort doe meet at the same ffort the day of _____ and in case of bad weather the day following. The same for Potomack the 20th November and Rapahanack the same day.

Salary allowed for auditing sheriff's acc'ts of public levy, discontinued.

Sheriffs to render acc'ts of their collections to county courts.

Whereas there hath beene raised, of late, ten thousand pounds of tobacco per ann, sallary pretended due from the country for auditing the sherriffs accounts of the publique levy, by virtue of a commission from his majestie, which this assembly conceiving to be surreptuously procured, and the sallary soe imposed very prejudicial to the properties of the people, *have ordered and hereby doe order* that for the future the sherriffs and collectors render accounts of their collections of the publique levy to the county courts, and that thenceforward noe such be levied by the publique.

Be it enacted that this assembly be adjourned to the 20th of October 1672; and likewise the general court.

Signed by Sir WILLIAM BERKELEY,
Governor.

ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733 & 1752.*)

*AT A

GRAND ASSEMBLIE

HOLDEN AT JAMES CITTIE

BY PROROGATION FROM THE TWENTIETH OF SEPTEMBER 1671, TO THE TWENTY-FOURTH OF SEPTEMBER 1672, IN THE TWENTIE-FOURTH YEARE OF THE REIGNE OF OUR SOVERAIGNE LORD KING CHARLES THE SECOND.

Sir W. Berkeley, governour.

ACT I.

An act for the defence of the country.

Edit. 1733 and 1752.

Purvis 176.
Preamble.

WHEREAS for the necessary defence of the country and security of the ships and vessells trading thereto, it hath been enacted that sundry fforts should be built in convenient places in the rivers which accordingly have been effected: but for as much as the materials wherewith the said fforts were built, were not substantiall nor lasting, some have suffered an utter demolishment, some very ruinous, and some with small charge are capable of reparation; this grand assembly taking the same into their serious consideration and desirous as much as in them lyes to provide for the safety of this his majesties country, soe far forth as the present capacity thereof will admitt, *hath thought fitt to ordayne and enact, and it is hereby enacted and ordayned by the governour, councill and burgesses of this grand assembly and the authority thereof* that the fforts on all the rivers be substantially built with brick in all such places where the demolishment or ruine of

Forts to be rebuilt & repaired of brick.

Various Readings.

* The commencement taken from *Ch. City and P. Rand. MSS.* the acts themselves from the Northb. MS. in which the commencement is, 'Att a GRAND ASSEMBLY held att James Citty the 24th day of Sept. Anno Dni. 1672, Annoq Regni Rs Caroli Scdi. 24 O.'

Commissioners of forts authorized to levy additional quantities of tobacco on their counties, to defray the expense.

In case of alarm, the next officer in command to repair with his men to the fort, in absence of the commander in chief.

Armourers & smiths to be provided.

How paid.

the former forts shall require to be built anew, and that those forts that are capable of being repayred shall also be done with brick, and that the commissioners of the respective associations doe take care that this act be put into speedy and effectuall execution ; and whereas the monies ariseing from the fort duties have bene designed to remaine in stock for the use of the respective forts, which at present is not sufficient to defray this charge of building and repayreing, *Be it further enacted by the authority aforesaid*, that it shall and may be lawfull for the commissioners of each association, and they are hereby fully authorized and impowred to asseesse and levye so much tobaccoes in their respective counties as shalbe wanting and needful for the repayring and building of their respective forts as aforesaid.

And whereas the act of 1667 hath provided for the management and comand of the forts, *It is further enacted by the authority aforesaid* that this additionall be thereunto made, vizt. that upon all alarms, or sudden invasions, or occasions, in the absence of the major general the next colonell or adjacent commander to any fort shall draw downe of his regiment, his or their company, as companies sufficient for the defence thereof, till further orders of the superior officers. And for as much as against all tymes of danger it ought to be the care of all men to provide that their armes and habiliments for war, be alwayes kept fixed and fitt for service, and that armourers and smyths may be encouraged to worke, *It is enacted by the authority aforesaid*, that the commissioners of the respective associations shall and doe assertaine the rates for the worke of armourers and smyths and such artificers ; and for the prevention of the great trouble that usually accrues to artificers in collecting severall small parcells in payment for worke done, that the said artificers shall take from under the hand of those for whome they worke and returne the same to the commissioners aforesaid, which accounts by them shall alsoe be returned, and rated by them into their respective countie courts, when the levy is laid, the artificers to

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752, is, ' Anno vicesimo quarto Caroli secundi regis.'

be paid entire by the counties and the countyes reimbursed by the persons for whome the worke was done ; and that the said artificers may not delay people which repaire to them with their armes be strictly enjoyned under a fine to be imposed by the said commissioners to lay aside all other worke to goe about this of armes.

To repair arms in preference to all other work.

And whereas it hath beene a frequent evill practice of many men upon sight of ship or vessell newly arriveing to goe on board not knowing whether they be friends or enemies, by meanes whereof opportunity hath beene given and taken by the enemies to obtaine intelligence to the greate prejudice of the country, for prevention whereof for the future, *Be it enacted by the authority aforesaid* that it shall not be lawfull for any canoe, boate, or sloop to goe on board any ship or vessell that shall arrive into any parts of Virginia before the said ship or vessell send on shore, and thereby are knowne what they are : and if any shall offend in this kind, each canoe or boate shalbe amerced fowre hundred pounds of tobacco and caske, and sloop one thousand pounds of tobacco and caske, to be recovered by action of law, the one moyety to the use of the county where the offence shalbe committed, and the other moyety to the informer ; but if servants onely have the rule of such canoe, boate or sloop they to receive corporall punishment of fforty lashes, but redeemable by the ffines aforesaid ; *provided alwayes* that this clause of the present act for preventing intelligence to the enemy doe and shall continue in force during tymes of war and noe longer.

Pen'ty for going on board a vessel before they send on shore, & it be known whether they are friends or enemies.

This clause to continue only in time of war.

ACT II.

An additionall act concerning orphants estates.

WHEREAS the 66th act of the grand assembly holden at James City the 23d of March 1662, hath laid downe sundry rules unto the county courts for the management and secureing the estates of orphants ; now for as much as it hath beene manifested to this assembly that some courts haveing endeavoured to dispose of some estates of orphants according to the act, have not found any persons willing to take and secure them in manner and forme as that law requires,

Edi. 1733 and 1752.

Purvis 177.

[See an. p. 92.]
Preamble.

County courts to dispose of orphans' estates to best advantage, where no person will take them, subject to the restrictions of the former act.

this grand assembly taking the same into their consideration, and desirous that such an expedient might be provided that in such like cases neither the courts nor the orphans may be prejudiced, have thought fitt that an additional act be made thereto; *Be it therefore enacted by the governour, counsell and burgesses of this grand assembly, and by the authority thereof, that it shall and may be lawfull for the county courts to dispose of orphans estates according to the best of their judgments and advantage of the orphans in such cases where the said courts cannot find persons will take orphans estates according to the afore recited act.*

ACT III.

Edit. 1733 and 1752.
Parvis 178.

An act concerning tythables borne in the country.

List of negroes mulattoes and Indians, and their ages to be taken by persons appointed by the county courts.

FOR the better discovery of what persons borne in this country are and ought to be accounted tythables, and the ages of the younger better known, *Be it enacted by the governor, counsell and burgesses of this grand assembly and by the authority thereof that all persons who are appointed by the county courts to take the lyst of tythables, in each county shall take an account of all negro, molatto, and Indian children, within their severall precincts, and the masters and owners of such children are to make appeare upon oath or evidence the ages of them. And that all negro, and molatto children, and slaves that shalbe borne in this country, shall by their respective masters or owners within twelve months after their birth be registred in the parish register with their exact ages, and in default thereof, the said master or owner shall pay levy for them that yeare, and soe yearely till such register be made; And it is further enacted by the authority aforesaid, that all negro women borne in this country shall be accompted tythable at sixteenc yeares of age.*

To be registred in parish register.

In default thereof, the owner to pay levies.
Negro women tythable at 16.

ACT IV.

Edit. 1733 and 1752.
Parvis 179.

An act lymiting how long accompts shall be pleadable.

FOR the prevention and avoyding of many suites and controversies it hath seemed convenient to

this grand assembly to lymitt a tyme beyond which accmpts may not be pleadable, for as much alsoe as there is a law which admitts noe bills pleadable after five yeares, *Be it therefore enacted and ordained, and it is hereby enacted and ordained by the governour, councill and burgesses of this grand assembly and the authority thereof* that accmpts shall not be pleadable after three yeares by any person liveing in this country, and not after five yeares by any person that shall lay any clayme by accounts out of this country; this act not relateing any thing to the act concerning accounts against dead mens estates.

Actions on accounts limited to three yeares by residents, & to 5 yeares by non-residents.

Nor to extend to acc'ts ag'tst dead men's estates.

ACT V.

An act concerning servants sould for the custome.

Edit. 1733 and 1752.

Purvis 180.

WHEREAS it hath beene the practice of diverse servants who have bin sould for the custome, after the departure of the ships wherein they arrived, and persons who sold them to produce or pretend indentures for shorter tymes, whereupon divers disputes have arisen betwene the said servants and their masters; for the prevention whereof for the future, *Be it enacted by the governour, councill and burgesses of this grand assembly and the authority thereof* that every servant who comes in presumeable without indentures and soe sold for the custome, shall by his master be brought before some justice of the peace to declare whether he hath any indenture or not, if the servant shall alledge he hath, but cannot as then produce it, the said justice in this case shall assigne him one months tyme, within which if the servant faile to produce it, he shall be barred from his clayme by reason of any pretended indenture whatsoever.

Servants sold, as without indentures, to be carried before a justice, and 1 month allowed to produce them, or forever barred.

ACT VI.

An act concerning masters of ships and collectors.

Purvis 180 and Edit. 1733 and 1752.

WHEREAS it hath beene very usuall with many masters of ships to take tobaccoes on board after they have cleared with the collector, whereby the

Masters of ships to give bond, to enter on oath & pay duty for all tobacco taken on board after clearance.

Collectors to acc't on oath.

publique is often defrauded of the duties ; for prevention whereof, *be it enacted by the governour, councill and burgesses of this grand assembly, and by the authority of the same,* that all collectors shall upon clearing of ships not full, take bond with sufficient security of the masters to make due entry upon oath of all tobacco they shall take on board after their clearing, and to pay the country dues for the same before their departure, and that all collectors shall render the accounts of their whole collection upon oath if thereunto required.

ACT VII.

Edit. 1752.

An act for suppressing of vagabonds and disposing of poore children to trades.

Purvis 181 and edit. 1733.

Preamble.
(See note to edi. 1733.)

Justice to put in execution laws of Eng'd ag'st vagrants. County courts to bind out p'r children to trades.

Church ward's to render an acc't of such annually.

WHEREAS severall wholesome lawes and statutes have by the wisdom of severall parliaments of England beene made and are in force as well for the suppression of vagrants and idle persons as setting the poore on worke, the neglect of which lawes amongst us hath encouraged and much increased the number of vagabonds idle and desolute persons, *Be it enacted, and it is hereby enacted and ordained by the governour, councill and burgesses of this grand assembly, and the authority thereof,* that the justices of peace in every county doe put the lawes of England against vagrant, idle and desolute persons in strict execution, and the respective county courts shall, and hereby are impowered and authorized to place out all children, whose parents are not able to bring them up apprentices to tradesmen, the males till one and twenty yeares of age, and the females to other necessary employments, till eighteene yeares of age, and noe longer, and the churchwardens of every parish shalbe strictly enjoyned by the courts to give them an account annually at their orphants court of all such children within their parish as they judge to be within the said capacity.

ACT VIII.

An act for the apprehension and suppression of runaways, negroes and slaves.

Edit. 1733 and 1752.

FORASMUCH as it hath beene manifested to this grand assembly that many negroes have lately beene, and now are out in rebellion in sundry parts of this country, and that noe meanes have yet beene found for the apprehension and suppression of them from whome many mischeifes of very dangerous consequence may arise to the country if either other negroes, Indians or servants should happen to fly forth and joyne with them ; for the prevention of which, *Be it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof,* that if any negro, molatto, Indian slave, or servant for life, runaway and shalbe persued by warrant or hue and crye, it shall and may be lawfull for any person who shall endeavour to take them, upon the resistance of such negroe, molatto, Indian slave, or servant for life, to kill or wound him or them soe resisting ; *Provided alwayes,* and it is the true intent and meaning hereof, that such negroe, molatto, Indian slave, or servant for life, be named and described in the hue and crye which is alsoe to be signed by the master or owner of the said runaway. And if it happen that such negroe, molatto, Indian slave, or servant for life doe dye of any wound in such their resistance received the master or owner of such shall receive satisfaction from the publike for his negroe, molatto, Indian slave, or servant for life, soe killed or dyeing of such wounds ; and the person who shall kill or wound by virtue of any such hugh and crye any such soe resisting in manner as aforesaid shall not be questioned for the same, he forthwith giving notice thereof and returning the hue and crye or warrant to the master or owner of him or them soe killed or wounded or to the next justice of peace. *And it is further enacted by the authority aforesaid* that all such negroes and slaves shalbe valued at flowre thousand five hundred pounds of tobacco and caske a peece, and Indians at three thousand pounds of tobacco and caske a peice, And further if it shall happen that any negroe, molatto, Indian slave, or

Purvis 181. Preamble.

Runaways either negro, mulatto, Indian slave or servants, resisting may be killed or wounded.

Proviso.

Master indemnified by the public, & person killing not to be questioned.

Value of such negroes, &c

Negroes, &c.
wounded and
lingering, their
owners to be
paid.

Reward to
neighbouring
Indians for
apprehending
runaways.

Limitation of
this act.

servant for life, in such their resistance to receive any wound whereof they may not happen to dye, but shall lye any considerable tyme sick and disabled, then alsoe the master or owner of the same soe sick or disabled shall receive from the publike a reasonable satisfaction for such damages as they shall make appeare they have susteyned thereby at the county court, who shall thereupon grant the master or owner a certificate to the next assembly of what damages they shall make appeare; *And it is further enacted* that the neighbouring Indians doe and hereby are required and enjoyned to seize and apprehend all runawayes whatsoever that shall happen to come amongst them, and to bring them before some justice of the peace whoe upon the receipt of such servants, slave, or slaves, from the Indians, shall pay unto the said Indians for a recompence twenty armes length of Roanoake or the value thereof in goods as the Indians shall like of, for which the said justice of peace shall receive from the publike two hundred and fifty pounds of tobacco, and the said justice to proceed in conveying the runaway to his master according to the law in such cases already provided; This act to continue in force till the next assembly and noe longer unlesse it be thought fitt to continue.

ACT IX.

An act concerning Swamps and Marshes.

Edit. 1733 and
1752.

Purvis 183.
Preamble.

Owners of
lands adjoining
swamps,
marshes or
sunken gr'nds,
to have one
year's notice
before any
other person
can take it up.

WHEREAS many inconveniencies may arise to severall inhabitants of this country who have land adjoining to swamps, marshes, and suncken land unpattented if any others who are disjoyned from the same may be admitted presently to take up and patent them, This grand assembly takeing the same into their consideration and being willing mens very conveniencies be preserved to them, from which in this case they need not depart but by their owne default, *have enacted and ordained, and it is by the governour, councill and burgesses of this grand assembly and the authority thereof enacted and ordained,* that it shall not be lawfull for any person whatsoever to take any marshes, swamps, or suncken lands, adjoining to any

mans land but shall first give notice to the owner or owners of the land to which it adjoyneth, who shall have one yeares tyme to resolve whether he or they will take up the same or noe, and in case, at the expiration of that terme, the owner or owners of the land adjoining to the said marsh, swampe, or suncken land (a) shall then refuse to survey and pattent the same, it shall then be lawfull for the first person who gave notice as aforesaid to survey and pattent the same according to law.

ACT X.

An act shewing how farre mens noates are pleadable against their estates if dead.

Edit. 1733 and 1752.

WHEREAS it hath bene controverted whether noates charged on persons by a man in his life tyme, are pleadable after his decease; for the determination whereof, the governour, councill and burgesses of this grand assembly have enacted and ordained, and by the authority aforesaid it is enacted and ordayned, that all such noates shalbe pleadable, if by comparing of hands or otherwise it shall appeare to have bene the act of the decedent, and the person who claymes make oath of the justnesse thereof, and that he hath not received satisfaction for the same or any part thereof, *Provided alwayes* it be sued for within twelve months after the parties decease and within three yeares at most after the date of the note. (b)

Purvis 184.

Actions maintaind. on notes of dec'd. persons, provided the claimant make oath of the justice of the debt, & the action be bro't within 1 year after the parties dec. & 3 months after the date of the note

Various Readings.

(a) 'Land, marsh or swain' in Purvis.

(b) 'Of this act' Purvis; but 'of the note' in Northb. and Ch. City and P. Rand. MSS.

ACT XI.

*An act for Naturalization of Joshua Mulder, Henry Weedick and others.**

Preamble.

WHEREAS at a grand assembly holden at James Cittie the twentieth day of September, in the twentie third yeare of the reigne of our Sovereigne Lord the King that now is, and in the yeare of our Lord God 1671, it was enacted and ordained that any strangers desireing to make this country the place of their constant residence might upon their petition to the grand assembly, and takeing the oaths of allegiance and supremacy be admitted to a naturalization; whereupon Joshua Mulder, Henry Weedick, Christopher Regault, Henry ffayson Vandoverage, John Mattoone, Dominick Theriate, Jeremy Packquett, Nicholas Cock, Henry Waggamore, and Thomas Harmenson, aliens making humble suite as aforesaid, *It is therefore enacted by the governour, council and burgesses of this grand assembly, and the authoritie thereof,* that the said Joshua Mulder, Henry Weedick, Christopher Regault, Henry ffayson Vandoverage, John Mattoone, Dominick Theriate, Jeremy Pacquett, Nicholas Cock, Henry Waggamore, and Thomas Harmenson, and every of them bee, and are by vertue hereof, and the afore recited lawe whereupon this is grounded, are capeable of free traffique and tradeing, of takeing up and purchaseing, conveying, deviseing and inheritting of lands and tenements, and from henceforth bee, and are declared, deemed and holden in all constructions of law, stated, vested, and indulged with all privileges, liberties and immunities whatsoever relateing to this collony, that any naturall born Englishman is capable of according to the true intent and meaning of the said act.

Certain pers's naturalized.

Their privileges the same as natural born Englishmen.

Be it enacted that the assembly is adjourned till the first of October next.

Signed by Sir WILLIAM BERKELEY, *Govr.*
ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733 & 1752.*)

* This act omitted in Northb. MS. but it is inserted in *Ch. City & P. Band MSS.* and the title is preserved in *edi. 1733 & 1752*

*ATT A

GRAND ASSEMBLY,

HOLDEN AT JAMES CITY

BY PROROGATION FROM THE 24TH DAY OF SEPTEMBER,
1672, TO THE 20TH OF OCTOBER, ANNO. REG-
NI RS CAROLI SCDI, DEI GRATIA ANGL.
SCOT FRANC ET HIBERNIA RS FIDEI
DEFENSORIS, &c. ANO DNI 1673.

Sir W Berke-
ley, governor.

*To the glory of Almighty God and publique weale of
this his majesties colony of Virginia, were enacted
as followeth :*

ACT I.

An act for establishing the dowers of widdows.

WHEREAS many doubts have arisen concerning the estates of persons dying intestate, and of what parte thereof ought to appertaine to the widdow ; for the clearing whereof, *Be it enacted by the governour, councill and burgesses of the grand assembly, and the authority thereof,* that where persons dye intestate, the widdow shalbe endowed with the third part of the reall estate to bee equally divided as to houseing, fenced grounds, orchards, woods, and other valuable conveniencies, dureing her naturall life, and the third part of the personall estate, if there be but one or two children, but if there be any number of children more, how many soever, in that case the personall estate to be devidid amongst the widdow and all the children share and share alike ; and in case the husband make a will that he hath it in his power to devise more to his wife then what is above determined, but not lesse.

Edit. 1733 and
1752.
Purvis 185

Widow of in-
testate to be
endowed of 1/3
the real estate
equally to be
divid'd, for life
& the third of
the personal
estate, if only 1
of 2 chil'n : but
if more, only a
child's part.

Husbands may
give more but
not less than
prescribed by
this act.

* The commencement, and the acts of this session, taken from the Northumberland MS.

ACT II.

Edit. 1733 and 1752. *An act providing for the supply of armes and ammunition.*

Purvis 185.
Capt's of foot and horse, to report state of arms & ammunition to colo's or the court.

Colonels to report to courts.

Penalty for failure.

County courts provide arms & ammunition. Muskets and swords for the foot.

Pistols, swords & carbines for the horse.

Powder and shot for each.

Soldiers to pay for their arms & ammunition at a reasonable rate, to be collected as levies.

FOR the better supply of the country with armes and ammunition, *Be it enacted by the governour, counsell and burgesses of this grand assembly and by the authority thereof*, that the captaines of ffoote and horse in each county doe take a strict and perticuler account of what armes and ammunition are wanting in their severall companies and troops, and represent the same unto their respective colonells, at the next county courts after January next, but if there be not any colonell of horse within the county, then the captains of horse to represent their said wants imediately to the county court, into which courts at their next session following the colonells aforesaid are by this act enjoyned to retorne and represent the wants of the militia in their said county as they shall receive the same from their subordinate officers as aforesaid; and if any captaine of ffoote or horse, or colonell of any regiment shall faile to performe his or their respective duty herein, he or they shalbe fined; namely, every captain one thousand and colonell two thousand pounds of tobacco: *And be it further enacted by the authority aforesaid*, that the perticuler county courts be impowred, and they are by vertue hereof authorized and impowred upon their respective counties to lay and raise a levy for the provideing of armes and ammunition for supplying the wants aforesaid, that is to say, muskitts and swords for the ffoote, and pistolls, swords and carbines for horse, as alsoe for every lysted souldier at the least two pounds of powder and six pounds of shott, the said armes and ammunition by the courts provided as aforesaid to remaine in the hands of the officers of the militia for them to dispose of the same as there shalbe occasion; and that those to whome distribution of armes and ammunition shalbe made doe pay for the same at a reasonable rate, to be collected by the sheriffe or collector as in the case of levyes and publique

Various Readings.

* The running title of the acts of this session in edi. 1733 & 1752 is, 'Anno vicessimo quinto CAROLI secundi regis.'

dues, to the use and towards the reimbursement of the county; and if any court or courts shall faile in their duty to provide, within one yeare after such presentment made by the officers of the militia aforesaid of their wants aforesaid, for the full supplying thereof in manner aforesaid, be fined tenn thousand pounds of tobacco to be paid, as alsoe the other fines to be imposed by this act, to the use of the respective counties, and that the burgesses of the severall counties be required and enjoyned to give an account into the assembly how this act is put in execution.

Pen'ty on co't
for neglect.

ACT III.

An act for the better putting into execution the act for processions.

Edit. 1733 and
1752.

WHEREAS it hath beene represented to this assembly that the act for processions hath beene hindred to be put in execution for that the asserteyning of orphans lands is not thereby provided for; *Be it therefore enacted and ordained by the governour, councill and burgesses of this grand assembly, and by the authority of the same It is enacted and ordained,* that the lands of orphans be alsoe comprized in that act (that is to say) when difference shall happen to arise concerning the bounds of orphans lands, and that the said difference cannot otherwise be determined, nor the bounds of the adjacent lands discovered, that then such orphans land be laid forth by two honest able surveyors in presence of the neighbourhood and two such men as shalbe appointed by the county courts on the behalfe of the orphans and the charge thereby accruing to be susteyned in manner following, vizt. the orphant to pay one halfe of the survey of his owne land, and the owner or owners of the adjacent lands whose bounds are thereby alsoe ascertained, the other halfe, to the whole charge of surveying his or their owne lands.

Purvis 187.
Preamble.

How orphans'
lands to be
surveyed.

Charges of,
how paid.

ACT IV.

Edit. 1733 and 1752. *An act for the advancement of the manufactory of flax and hempe.*

Purvis 188.
Preamble.

FORASMUCH as it much conduceth to the well being of any country that the necessities thereof be supplied from their own industry within themselves, and that the lesse they have occasion for from abroad, the lesse wilbe their dependance on forreigne supplies whereof the calamity of warr and other accidents may prevent them; and whereas this assembly taking into their serious consideration the low and contemptable price we are allowed for our tobaccos, occasioned cheifely by the greate quantities yearly made, hath thought fitt, if it may be to abate from the quantity by advancing the more usefull and necessary manufactory of flax and hemp, and in order thereunto *have enacted and ordained, and it is by the governour, councill and burgesses of this grand assembly and by the authority of the same enacted and ordained,* that the respective county courts within this colony doe, at the cost and charge of their counties, at or before the twentyeth day of October which shalbe in the year 1675, procure one quart of flax and one quart of hempe seed for every tythable person within their countyes, and the same cause to be distributed amongst the inhabitants, and that the courts failing to procure the said flax seed and hempe seed, and thereof make distribution in manner as aforesaid, be fined five thousand pounds of tobacco; *And it is further enacted by the authority aforesaid* that every tythable within this colony the next yeare after the said distribution, doe make or cause to be made one pound of drest flax and one pound of drest hempe, or two pounds of either, and soe yearly and every yeare, under the penalty of fifty pounds of tobacco for every pound of flax or hempe neglected to be made as aforesaid, the same to be paid by such master, owner or overseer of any ffamily or company of servants, or other tythables, that shalbe found defitient in the premises; And for the better discovery of such neglect and defitiency that all masters, owners or overseers who have the charge of ffamilyes, companyes of servants, and other tytha-

County courts to provide and distribute one quart of flax & hemp seed to each tithable.

Penalty for neglect.

Each tithable to make 1 lb. of flax and hemp or 2 lbs. of either annually.

How quantity ascertained.

bles at the tyme of laying the levy in their county, doe produce unto those persons who are appointed to take the lysts of tythables, in each county, the said quantities of flax or hempe, or either of them, by this act enjoyned to be made, and the same deliver upon oath, that it is of his owne growth.

ACT V.

An act concerning tradesmen and artificers to pay levyes.

Edit. 1733 and 1752.

FOR explanation of the lawes which have seemed to exempt artificers, &c. from paying levyes, *Be it enacted and ordained by the governour, councill and burgesses of this grand assembly and by the authority thereof*, that noe tradesman, merchant, or any artificer whatsoever above the age of sixteene yeares be exempted for the future from the payment of any levyes, any act or custome or usage to the contrary notwithstanding.

Purvis 189.
No tradesman merch't or artificer exempted from payment of levies.

ACT VI.

*An act permitting the counties of the Isle of Wight and Lower Norfolkke to erect each of them a ffort.**

Edit. 1733 and 1752.

FORASMUCH as the counties of the Isle of Wight and Lower Norfolkke have petitioned by their burgesses that they might be admitted to build and erect each of them a ffort, and one in Warwick-querke Bay, the other in Elizabeth River; *Be it therefore enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof*, that the said countyes by, and with the consent of the people at their owne costs and charges doe erect, or cause to be erected at each of the places aforesaid a fort, and that it may be lawfull for that assotiation, or any other that

Counties of Isle of Wight and L. Norfolk permitted to erect a fort each.

Various Readings.

* This act wholly omitted in Purvis, but the title inserted in editions 1733 and 1752.

Not to affect
the associat'n.

will joyne with the said countyes, or either of them, to contribute towards the charge of erecting those fforts, or either of them in the places aforesaid; *Provided alwayes* that neither the said countyes, nor either of them, nor any of those that shall contribute towards the said fforts be thereby severed and alienated from their associations. *And it is further enacted by the authority aforesaid*, that if any ship or ships be willing to come into the said bay or river within protection of those fforts, that they may there ride without impeachment by any act, law or usage, except the kings majesties espetial command to the contrary notwithstanding.

ACT VII.

*An act for the naturalization of John Peterson, Rowland, Anderson and others.**

Preamble

WHEREAS at a grand assembly holden at James Cittie the twentieth day of September, in the twenty-third yeare of the raigne of our Sovereigne Lord the King that now is, and in the yeare of our Lord 1671, it was enacted and ordained that any stranger desireing to make this country the place of their constant residence, might upon their petition to the grand assembly, and takeing the oaths of allegiance and supremacy be admitted to a naturalization. Whereupon John Peterson, Rowland Anderson, Michael Vanlandigam, Minor Doodes, Doodes Minor, and Herman Kelderman, aliens, makeing humble suite as aforesaid, *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly and by the authority thereof*, that the said John Peterson, Rowland Anderson, Michael Vanlandigam, Minor Doodes, Doodes Minor, and Herman Kelderman, and every of them be and are by vertue hereof, and the afore recited lawe, whereon this is grounded capable of free traffique and trading of takeing up and pur-

Certain pers's
naturalized.

Various Readings.

* This act omitted in Purvis and Northum. MS. but the title inserted in edi. 1733 & 1752 It is taken from *P. Rand.* MS.

chasing, conveying, deviseing and inheriting of lands, tenements, and from henceforth be, and are declared deemed and holden, and in all constructions of law stated, vested and indulged with all priviledges, liberties and immunities whatsoever relating to this collyny that any naturall born Englishman is capable of according to the true intent and meaning of the said act.

Their priviledges the same as natural born Englishmen.

†**ORDERED** for the settling the bounds betweene the counties of Northumberland and Lancaster that according to the concession of the burgesses of those counties, coll. John Washington, capt. John Lee, capt. Wm. Traverse and Wm. Mosely and Mr. Robt. Beverly doe meete upon the next Wednesday after Easter weeke which shalbe in the yeare 1674 at or about the confines of both the said counties, and that such bounds as they or the greater number of them (haveing respect to a former order of assembly touching this matter made) shall assigne and establish, shall be the deviding bounds and lymitts of both the said counties in time to come.

Commiss'ners appointed to settle bounds between Northumberland & Westmoreland counties

ORDERED that for all such tobaccoes for which the duty of two shillings per hogshhead hath beene paid and lately taken by the enemy, soe much may be reladen, free and acquitted from the said duties, *Provided* that the person that claymes the benefitt hereof doe make his quantity laden and lost as aforesaid appeare by his oath, the collectors certificate, bill of laden, or any of these three wayes.

Duties on tobacco taken by enemy remitted.

ORDERED that the charges of a burgesse, with his man and two horses; in going to and from the assembly, as alsoe the charge of the said man and two horses abideing during the session, are intended and meant in and by the act, which asserntaines burgesses necessary charges over and besides the personall expence of one hundred and ffifty pounds of tobacco per

Burgesses' wages, including the expenses of travelling to and from the assembly & of his horse and servant, while remain'g there over and above his personal wages.

† The following orders, or resolutions, are inserted in the Northumberland MS. alone.

Counties to allow those charges.

diem, mentioned in that act; *And it is alsoe further ordered* that those burgesses who have not beene allowed by their countyes these necessary charges by reason of any misconstruction of the law be accordingly reimbursed their reasonable charges in this behalfe susteyned.

Vestries and county courts may exempt impotent persons from payment of levies.

WHEREAS sundry impotent and indifferent persons have petitioned to be exempted from the paying of levyes, *in this case it is ordered*, that the respective vestries and county courts may leave such out of their lists of tythables as they shall see fitt.

Commissioners to rep't on the most eligible places for establishing free ferries.

WHEREAS it hath beene resolved by the assembly to have free ferryes generally in all convenient places of the country, but finding the greate difficulty of putting the same in present execution, *It is therefore ordered* that the commissioners of the severall assotiations in the country, at their meeting betweene this and the next assembly, doe consider of the most necessary and convenient places within their severall counties of assotiations, for ferryes to be kept, and make report thereof to the next assembly, as alsoe of what the charge and all other incidents to the same (within the said precincts will amount to) And that wherein any county, there is not a burgesse of the said commission of assotiation that then one of the said county be joyned with the said commissioners for the consideration thereof.

Signed by Sir WILLIAM BERKELEY,
Governor.

ROBERT WYNNE, *Speaker.*

(*Note to edit. 1733 & 1752.*)

Cop. Vera Test.

JAMES MUNGE, Cj. Ass.

*AT A

GRAND ASSEMBLY,

HOLDEN AT JAMES CITTIE

BY PROBOGATION FROM THE TWENTIETH DAY OF OCTOBER, 1673, TO THE 21ST SEPTEMBER 1674, IN THE 26TH YEARE OF THE REIGNE OF OUR SOVERAIGNE LORD KING CHARLES THE 2D BY THE GRACE OF GOD KING OF

Sir W. Berkeley, governor.

ENGLAND, &c.

And to the glory of Almighty God, and the publique weale of this his majesties colony, these acts and orders were made and established.

ACT I.

An act for an address and application to be made to the King's most excellent majesty.

Edi. 1733 and 1752.

WHEREAS this grand assembly are deeply sencible of the many and greivous pressures that are dayly growing and still likely to grow, and be imposed upon the inhabitants of this his majesties loyall colony of Virginia by certaine lords pattentees, who under colour and pretence of promoteing the good of the colony and augmenting his majesties revenues have obtained certaine Letters pattents and grants derogating, and in prejudice of many royall concessions and grants from tyme to tyme made by his majestie and his royall progenitors in favor to this colony, all which as justly may be feared, the said lords by their deputies and ministers will endeavour to make voyd and of none effect by imposing new rents and services, altering the forme of our tenours, compelling to new sur-

Purvis 190. Preamble, recit'g the fears of the colony in consequence of pat'ts granted to certain lords pattentees.

* The commencement, as well as the acts of this session, taken from Northb. MS in which the figures [1674] are omitted

veys and new pattents, imposing fines and compositions on surplusages, lands and lapses att their will and pleasure by nomination of sherriffs, escheators, surveyors and other officers, and in effect devesting the government of those just powers and authorities by which this colony hath hitherto beene kept in peace and tranquility, and all mens rights and propertyes duly administred and preserved unto them.

The assembly determine on an address to king to revoke the abovementioned patents and to confirm the rights and privileges of the colony.

And whereas this said grand assembly on greate deliberation have considered by what convenient wayes and means those agreivances might be removed, how our liberties, priviledges, immunities, rights and propertyes might be had, made and established to us and our posterity, *have thought fitt* that a humble supplication be made to his sacred majestie by this grand assembly in the name of this his majesties most loyall colony, setting forth as well, by what royall (a) grants and concessions his majestie and his royall progenitors have from time to time beene graciously pleased to indulge this colony, the greivous pressures likely to grow upon us by reason of the late grants to the lords, that his majestie would be graciously pleased to revoake the said grants to the said lords, and for securing us from our fleares in time to come of being removed from his majesties imediate protection to confirme our liberties, priviledges, immunities, rights and properties as aforesaid, by his majesties royall charter, and that certaine gentlemen in whose honour, integrity and care, for promoting the good of this country, this grand assembly have a just confidence, be desired to adresse themselves to his majestie in the name of this colony, and to negotiate in England all other publique affaires of this country; And because it is manifest that a worke of this nature is not to be undertooke or effectually prosecuted without money and that wee be not imprudently wanting to ourselves in a matter of soe greate importance, *this grand assembly*

Persons to be appointed to negociate in England on behalf of the colony.

Various Readings.

* The running title to the acts of this session in edi. 1733 & 1752, is, 'Anno vicessimo sexto Caroli secundi regis.'

(a) 'Legal' in Purvis: 'royall' in *Northumberland, Ch. City and P. Rond. MSS.*

ave thought fitt that a summe of mony be raised of and from the inhabitants of this country to be used, employed and expended towards the accomplishment of the ends and purposes aforesaid; *Be it therefore enacted by the governour, councill and burgesses of this grand assembly and by the authority thereof,* that fifty pounds of tobacco besides caske and salary be levyed of and from every tythable person within this colony this present yeare, and fifty pounds of tobacco besides caske and salary the next yeare, and that this be disposed of to severall undertakers at the rate of eight shillings per cent, for produceing money as aforesaid for accomplishing the ends and purposes aforesaid, in manner and forme following, vizt. the fifty pounds of tobacco per pole to be levyed this present yeare in the countyes of Yorke, New-Kent, Gloucester and Middlesex, be paid to the severall undertakers for those counties at eight shillings per cent by the sherriffes or collectors of those respective counties, they paying double the money this present yeare, that fifty pounds of tobacco per poll doth amount to at eight shillings per cent, and to accept for their full compensation of their said present disbursements fifty pounds of tobacco per pole of the same counties aforesaid the next yeare, and that the undertakers for the rest of the counties in Virginia pay noe more money then the fifty pounds of tobacco per pole doth amount to at eight shillings per cent, this present yeare paid them by the sherriffs or collectors of those counties aforesaid, and the like summe of money next yeare upon payment made to them of fifty pounds of tobacco per pole, ordered then to be levyed. And that all sherriffes and collectors who have the charge of those payments to the undertakers be, and are hereby strictly required to cause payment to be made of the best tobacco, and as convenient as may be. *Provided alwayes* that if noe undertakers doe present themselves for any of the remaining counties, that then the respective county courts are hereby required and commanded to ship the said tobacco raised within their counties for England, and conaigne it to sufficient merchants and cause the neate produce of it to be paid unto Mr. Secretary *Ludwell* and *Coll. Daniel Parke*, for the account of the grand assembly of Virginia; *And be it further enacted by the authority aforesaid,* that mony which shalbe due

How money raised to defray the expense.

Poll-tax.

What counties to contribute, and how.

Duty of sherriffs and collectors.

Proviso.

Tobacco to be shipped, when.

Additional funds.

on balance of the account of the two shillings per hogshead be alsoe remitted into England to the order of the grand assembly as aforesaid.

Further revenue; a tax on all pers's cast in a suit in the gen. & county courts;

And whereas this grand assembly are alsoe sencible by the lownesse of our publike revenue that mony may yet be wanting for the advance and carrying on this most necessary worke, *Bee it alsoe further enacted by this grand assembly and the authority thereof* that seaventy pounds of tobaccoe per cause in the generall, and fifty pounds of tobacco in the county courts per cause, shalbe amerced in the name of a paine, upon every person that shalbe cast in any suite except in action of debt, in which if any be cast, he or they soe cast as aforesaid shalbe amerced in the general court fifty pounds of tobacco, in the county court thirty pounds of tobacco, and in case of appeales double; *Provided nevertheless* that all causes of orphants be out of this clause of amercements utterly excluded and foreprised; *And be it further enacted by the authority aforesaid* that the clerkes of the courts give account of the said amercements, as alsoe of all fines arising on penall lawes at the raising of the levy when the courts are to deliver them to the sheriffes, and the sheriffes be and are hereby authorised and enjoyned to collect and distreyne for the same as in case of levy, and the courts are hereby authorized and impowred to dispose of the tobacco to the best advantage of the county, and be accountable to the grand assembly to the uses aforesaid, and that this clause of amerciaments be of force the next court after publication hereof in each county, and soe remaine untill the next assembly and noe longer, unles it be then thought fitt to continue itt.

Exe't orphans.

How collected and accounted for.

Limitation of this clause concerning amercements.

ACT II.

Edit. 1733 and 1752.

An act for the continuance of 200l. sterling per ann. over and above the 1000l. sterling per ann. to Sir William Berkeley, Knt. Governour, &c.

(This act wholly omitted in Purvis.)

WHEREAS this grand assembly have had long experience of the many constant and eminent services done to and for this country by the Right

Honourable Sir William Berkeley, Knight Governour and Captain Generall of Virginia, and that he soe continued to doe and act by all meanes possible for the good and benefitt thereof, *this assembly have thought fitt therefore to enact, and be it enacted by this grand assembly and the authority thereof*, that the two hundred pounds per ann. by order of assembly over and above one thousand pounds per ann. to the Right Honourable Sir William Berkely, Knight Governour, &c. be continued and paid to him annually during his government. *Provided alwayes that this shall not stand or be presidentiall for the like summe to be paid to any other governour that shall succeed him.*

Additional salary to Sir W. Berkeley, continued.

Not to be a precedent for others.

ACT III.

An act assertaining allowance for evidences, summoned to the Generall Court.

Edit. 1733 and 1752.

WHEREAS it hath beene considered that the allowance which the law hath formerly given to witnesses who are often summoned from remote places to give in evidence at the generall courts is too little, as alsoe for their attendance and expences in towne, *Be it enacted by the governour, councill and burgesses of this grand assembly and the authority thereof*, that thirty pounds of tobacco per diem be paid to such witnesses as come to James Citty, twenty miles and upwards, and that all witnesses have sixty pounds of tobacco per diem for their expences the time of their attendance there.

Purvis, act II. pa. 193.

Witnesses attendance at general court

ACT IV.

An act prohibiting the justices of the severall countie courts for levyng tobaccos upon the people for their accommodations and expences whilst they are keeping court.

Edit. 1752

WHEREAS it hath beene complained to the grand assembly that it hath beene the frequent practice of some of the justices of the severall county courts of

Purvis, act III. page 193, and edi. 1733.

Justices prohibited from assessing any tobacco on people for payment of their expenses, at county courts.

this country at the time of laying their levy to assess upon the people of their respective counties certaine summes of tobacco for the paying and satisfying their expences and accomodations whilst they are holding court and attending thereupon, which practice is by this grand assembly adjudged illegal, *Be it therefore enacted by the governour, councell and burgesses of this grand assembly and the authority thereof*, that noe county from henceforth pay or allow for the accomodation of the justices at their county courts; any order, usuage or custome to the contrary in any wise notwithstanding.

ACT V.

Edi. 1733 and 1752. *An act impowring Mr. Secretary Ludwell as notary publique to appoint deputies.*

(This act wholly omitted in Purvis.)
Secretary Ludwell, who is sole notary public, authorised to appoint deputies.

BE it enacted by the governour, councell and burgesses of this grand assembly and the authority thereof, that the honourable Mr. Secretary *Ludwell* who executes the office of notary publique in this colony, be authorised and impowred for the ease and conveniency of those who live remote from James Citty, and he is hereby authorised and impowred to depute certaine discreet and sufficient persons throughout this colony to officiate in his place and stead, to whose protestations, attestations, and other instruments of publications, as alsoe of those by him deputed as aforesaid, that all credance may be given; and that this authority continue and be in force untill the aforesaid Mr. Secretary his comission of notary publique be authenticated and published in England.

Full cr. to be given to their official acts.

ACT VI.

Edi. 1733 and 1752. *An act comanding such Indians who keep Hoggs to marke the same.*

Purvis act IV.
pa. 194.

WHEREAS complaint hath beene made that diverse the inhabitants of this country have received mischeife by the Indians in their stock of hoggs

against whome rarely any legall prooffe can be produced to discover and convict them, *Be it therefore enacted by the governour, councell and burgesses of this grand assembly, and the authority thereof,* that Indian prooffe as well as other legall prooffe shall from henceforth be good against Indians to convict them on the act against hogstealing, and that those of the Indians who keepe hoggs doe, and hereby are enjoyned and required to give such a perticuler marke for that towne where they live as shalbe appointed by the adjacent county courts.

Indians good witnesses against Indians as to hog stealing.

Ind'ns to mark their hoggs, as directed by the adjacent county courts.

ACT VII.

An act empowering fficame covertes to make good acknowledgement of sales of land.

Edit. 1783 and 1752.

WHEREAS the legall way in England of passing estates where the inheritance is in a fficame covert, is by way of ffine and recovery, and it being the usual way in this country for many yeares, wee havinge noe ffines and recoveries, that sales have beene made by the husband and wife of the inheritance of the wife by conveyance from them, and the said conveyances acknowledged in the generall or county courts by the husband and the wife, the wife being first privately examined by the court whether she acknowledge the same ffireely, but there being noe act of assembly to authorize the same ; *Be it therefore enacted by the governour, councell and burgesses of this grand assembly, and by the authority thereof,* that all such sales and acknowledgements that by husband and wife have at any time heretofore beene made in manuer and forme as aforesaid, or shall hereafter be made, shall be good and effectuall against the said husband and wife, their and every of their heires and assignes, and against all other persons clayming by, from, or under them, or any of them, and that to all intents and purposes as if the same had beene done by ffine and recovery or any other way whatsoever.

Purvis, act V pa. 195.

Preamble, reciting the custom of the country for husband and wife to pass inheritance of the wife, by deed, & privy examination ; there being no ffines and recoveries.

All such conveyances by husband and wife, past and future, to be valid.

ACT VIII.

Edit. 1733 and 1752. *An act ascertaining the bounds of the countie of the Isle of Wight and Nanzemund.*

(From the P. Rand. MS.)

Preamble.

[See vol. 1, p. 228, 247, 404.]

Dividing line betw'n Isle of Wight & Nanzemund countie, how to be run.

Proviso

Further Proviso.

WHEREAS long disputes have arisen between the inhabitants of the Isle of Wight and Nanzemund countie concerning the divideing line and bounds betwixt them, which disputes have bin the more perplext by reason partly of the uncertainty found in these former acts and orders of assembly that have seemed to establish the limmitts between them, and partly from the unacquaintance of those heretofore concerned with the true courses, windings, and extent of the creeks and runns, and of the lands remote in the woods, from whence it hath come to passe that the conveniences of both the countie could not soe well be discerned nor rightly consulted; all which this assembly haveing taken into serious consideration, and being desirous that all disputes and differences about the premises may for ever cease and determine, *Be it enacted by the governor, counsell and burgesses of this grand assembly and the authority thereof,* that a southwest and by south line be designed, runne and plainly marked from the river side at the plantation of *Hayes* including that plantation to the *Isle of Wight*, extending to the creek at or neere the plantation called *Nevels Oyster bank*, from thence a line or lines up the creeke to *Coll. Pitts* creek, and soe up that creek to the head of the said *Coll. Pitts* land, and from thence a southwest halfe a point westerly line indefinitely extended shall be and remaine the established common bounds and divideing line between the said Isle of Wight and Nanzemund countie, *Provided* nevertheless that the house and clered grounds of Capt *Thomas Godwin*, who hath bin an antient inhabitant of Nanzemund countie court, bee, remaine counted, and deemed in the countie of Nanzemund, any thing in this act to the contrary notwithstanding, *Provided alsoe,* and it is the intent of this act that nothing herein contained shall alter the parishes confineng on this dividing line, but that they remaine in the same parochiall capacitie as they did before the making hereof.

ACT IX.

An act for the settling the lands at the Green Spring in the right honourable Sir William Berkeley, his heirs and assigns. Edi. 1733 and 1752.

THE house of burgesses taking into their most sacred considerations the great services done to his sacred majestie and his majesties country by the right honourable Sir William Berkeley, Kt. his majesties governour of this country, and the great care and paines hee hath taken and hazards he hath runne even of his life in the government and preservation of the country from many attempts of the Indians, and alsoe in preserving us in our due allegiance to his majesties royall father of blessed memory, and his now most sacred majestie against all attempts long after all his majesties other dominions were subjected to the tyranny of the late usurpers, and also seriously considering that the said Sir William Berkeley, hath in all the time of his government under his most sacred majestie and his royall father made it his onely care to keep his majesties country in a due obedience to our rightfull and lawfull soveraigne, and to endeavour the good and prosperitie of the country, soe as next to God Almighty and his most sacred majestie wee owe the very being and settlement of this his majesties country to the great care and prudent management of the said Sir William Berkeley, who hath not in the least endeavoured to furnish himselfe but meerly spent both himselfe and his substance for the good of this his majesties country, and wee the burgesses of this present grand assembly takeing notice that the said William Berkeley being his majesties governour of this country, and by his sacred majesties instructions authorized by and with the consent of his majesties councill of Virginia to grant by pattent lands to all adventurers and planters, cannot joyne in makeing any such graunt to himselfe of any land, and finding that the honourable John West, Richard Kempe, Samuell Mathewes, William Browne, Thomas Petties, Henry Browne and Richard Townesend, Esqrs. his majesties royall fathers king Charles the first of blessed memory his councill of Virginia. by a grant under his majesties

(From the P. Rand. MS.)
Preamble, reciting the gr't services of Sir W. Berkeley;

and that the governor cannot grant to himself;

and a former order of council, of the 6th of June, 1646, in favour of Sir W. Berkeley, for 1090 acres at the Green Spring

seale of this country, and their hands beareing date the sixt day of June, one thousand six hundred forty and six, upon the said Sir William Berkeleyes proveing and entring of rights and surveying, which is the constant way and manner, by which all persons have his most sacred majesties and all his royall ancestors graunts and instructions, libertie to procure graunts of land for the better settling this his majesties countrey did graunt unto the said Sir William Berkeley, his heires and assignes for ever a certaine tract or parcell of land containing one thousand and ninety acres of land lyeing and being in James Citty county, and called or knowne by the name of Green Spring, with all priviledges proffits and appertenances whatsoever to the same belonging and appertaining, to have and to hold to him the said Sir William Berkeley, his heires and assignes for ever, to be held of his majesty in free and common soccage under the yearly rent of one shilling for every fiftie acres of land, &c. And in and by the same graunt, his said late majesties councill of Virginia did demise unto the said Sir William Berkeley, and his assignes, seaventy acres of land adjoyning to the same one thousand and ninety acres of land for the full terme of twenty and one yeares under the usuall yearly rent, and the said graunt of the said one thousand and ninetie acres of land by a graunt bearing date the nineteenth day of Aprill, in the six and twentyeth yeare of the reigne of our soveraigne Lord King Charles the second, &c. under his majesties seale of this countrey, and the hands of Henry Chichley Knt. Thomas Ludwell, Edward Diggs, Richard Bennett, Nathaniel Bacon, Thomas Swann, Henry Corbin, Thomas Beale, Daniell Parke, Thomas Ballard, and Joseph Bridger, Esqrs. his majesties now councill of Virginia is confirmed to the said Sir William Berkeley, his heires and assignes for ever, and the said demise of the said seaventy acres is by the same graunt renewed to the said Sir William Berkely, his heires and assignes for ever dureing the terme of ninety and nine yeares, to commence from the day of the date of the said graunt under the yearely rent in the former graunt, as in and by the said severall graunts remaining upon record in the records of the generall court of James Citty, relation thereunto being had more full and at large it

Also 70 acres
of land adjoin-
ing for 21 y'rs.

doth and may appeare, and the burgesses of this grand assembly taking all the aforesaid premisses into their serious consideration, and well knowing that the said Sir William Berkeley hath expended a great summe of mony in building and otherwise upon the said land, and being willing according to their utmost* endeavours to shewe the sence they have of the just merits of the said Sir William Berkeley, by his faithfull services to his most sacred majestie, and this his majesties country, doe therefore humbly pray the right honourable Sir William Berkeley Knt. his majesties governour of Virginia, and his most sacred majesties councill here that it may be enacted, *and be it enacted by the governour, councill and burgesses of this present grand assembly and by the authoritie thereof,* that the said severall before mentioned graunts, and every and either of them made to the said Sir William Berkeley by his sacred majestie his royall fathers councill of Virginia, and also by his sacred majesties now councill of Virginia for the said one thousand and ninety acres of land to him and his heires for ever, and also for the said seaventy acres of land to him and his heires for ninety and nine yeares, shall be, and hereby is by the authoritie aforesaid ratified and confirmed, *and it is also enacted and ordained, by the authority aforesaid,* that the said two parcellls of land and every part and parcell thereof, and all priviledges, proffits and appertenances whatsoever to the same or any part thereof belonging or appertaining shall, and may be held and enjoyed by the said Sir William Berkeley, his heires and assignes under the rents and services in the said graunts severally exprest against all person and persous whatsoever according to the true intent and meaning of the said graunts or either of them.

* 'Abilities' in the margin.

Grant for the same, and the seal of the colony, & hands of the councilors;

& the 70 acres renewed for ever.

Former grants confirmed; the 1090 acres for ever, and the 70 acres for 99 years.

ACT X.

An act for settling the lands conveyed from Sir William Berkeley and Dame Frances his wife, in Coll. William Cole his heires and assignes.

Edit. 1733 and 1752.

WHEREAS upon the humble petition of Lt. Coll. William Cole, it appeareth unto this grand assembly that by indenture tripartite bearing date

(From the P. Rand. MS.)

Preamble, recit'g a conveyance to trustees, of 1350 acres of land, in Warwick county, by S^r Stephens, in consideration of marriage.

The trustees.

Limitation of estate in trust.

Settlement, reciting the former, & in pursuance of it.

the first day of January, one thousand six hundred and fifty and two, Samuall Stephens deceased on the first part, Warham Horsmenden on the second part, and George Hunt, deceased on the third part, in performance of an agreement made before the marriage of the said Sammuell Stephens, deceased, with Frances his late wife; the said Samuall Stephens did, amongst other things in the said indenture give and graunt unto the said Warham Horsmenden and George Hunt all that his said Samuells plantation lying and being in Warwick county, containing by estimation one thousand three hundred and and fifty acres together with all appertences thereunto belonging, to have and to hold unto the said Warham Horsmenden and George Hunt upon condition onely, and in trust that the said Warham Horsmenden and George Hunt should within one yeare after the date of the said indenture make a graunt of the said plantation and premisses to and for the use of the said Samuel Stephens for and dureing the term of his naturall life, and if the said Samuall should happen to dye, and the said Frances his wife, him to overlive, that then the said plantation and premisses should be to her for life, and her heires by the said Samuall Stephens lawfully begotten, and for default of such issue to her and her heires forever, in pursuance of which said indenture by indenture tripartite bearing date the fourth day of November, one thousand six hundred fifty and three, made between the said Warham Horsmenden on the first part, George Hunt on the second, and the said Samuall Stephens on the third part reciteing the before mentioned indenture in performance thereof the said Warham Horsmenden and George Hunt did give and graunt the said plantation and premisses unto the said Samuall Stephens, and Frances his wife, to the use of the said Samuall for and dureing the terme of his naturall life and after, to the use of the said Frances his wife, and the heires of her body by the said Samuall lawfully begotten, and for default of such issue to the said Frances and her heires for ever, as in and by both the said indentures remaining upon record on the records of the county court of Warwick. relation thereunto being had more fully and at large it doth and may appear, and the said Samuall Stephens being dead and

the said Frances haveing survived him, and there being noe issue between them the said Frances by vertue of the said indentures became seized of the said plantation and premisses of a good estate in fee simple to her and her heires for ever, and the said Frances after intermarrying with the right honourable Sir William Berkeley Knt. Governour, and Capt. Genl. of Virginia, and after the said intermarriage by indenture bearing date the six and twentyeth day of Aprill, one thousand six hundred seaventy and one, made between the said Sir William Berkeley and Dame Frances his wife on the one part, and the said William Cole on the other part in consideration of the full summe of four hundred and fifty pounds of lawfull mony of England to them the said Sir William Berkeley and Dame Frances his wife, or one of them paid by the said William Cole, they the said Sir William Berkeley and Dame Frances his wife, did give graunt bargaine, and sell the said one thousand three hundred and fifty acres of land with all appertenances thereunto belonging to the said William Cole to have, and to hold, to the said William Cole, his heires and assignes for ever, and the said Sir William Berkeley and Dame Frances his wife, (the said Dame Frances being first examined by the generall court at James City) did acknowledge the said deed in the said court, as the same is recorded in the records of the said generall court, as in and by the same indenture relation thereunto being had more fully and at large it doth and may appeare, and the said George Hunt, one of the parties to the said tripartite indenture being alsoe dead, the said Warham Horsmenden hath by deed under his hand and seale, bearing date the eleventh day of December, one thousand six hundred seaventie and three, remised, released and acquitted all his claime, right, title and interest which he had in and to the said plantation and premisses unto the said William Cole, his heires and assignes for ever, as in and by the said deed, also remaining upon record of the records of the generall court at James City, more fully and at large it doth and may appeare, and the said William Cole haveing in his said petition to the grand assembly sett forth all the matters afforesaid, and in regard that the usage in England of making assurances of land where the inheri-

Estate, in fee, in Frances, relict of Samuel Stephens, by vertue of the settlement, & her surviving him without issue.

Intermarriage of Frances Stephens with Sir W. Berkeley.

Grant by them to Wm. Cole by deed of bargain and sale.

Consideration

Acknow'ment of deed in general co't, the wife being privily examined.

Death of one trustee, and release of the other to said Cole.

Petit'n of Cole stating the premisses; that the usage in Eng. is to pass the inheritance of

the wife by fine & recovery suffered by the husband & wife; but in this country, by acknowledgment of husband & wife in court she being privately examin'd; & there being no fines & recoveries suffered here, and praying for a confirmat'n of the said grant.

Acknowledgment of Mrs. Berkeley to memb's of assembly. Also of Sir W. Berkeley.

Grant confirmed;

and void as to Sir W. Berkeley and wife, notwithstanding it was not done by fine and recovery.

Quiet enjoyment

taunce in feme coverts, is by fine and recoverie suffered by the husband and wife, and there being noe fines and recoveries passed in the country, but the usuall way and manner of conveying such estates hath alwayes bin by acknowledging such sales by the husband and wife in court, the wife being first examined and all that being in this case performed, and he the said Cole haveing really paide a valluable consideration for the said premisses, the said William Cole hath most humbly prayed this present grand assembly that they would be pleased by an act for that purpose to confirme and make good the said sale to him soe made, and the house of burgesses having sent some gentlemen of the said house to acquaint the said Dame Frances Berkeley therewith, and whether shee freely consented to the same, and shee haveing to the same gentlemen under her hand acknowledged her free consent to the same, and the said Sir William Berkeley haveing also under his hand signified his free consent thereunto, thereupon the governour, conncell and burgesses of this grand assembly takeing all the premisses into their most serious considerations *doe enact and ordaine, and be it enacted by the governour, counsell and burgesses of this grand assembly and the authority thereof*, that the before recited indenture of bargain and sale, made between the said Sir William Berkeley and Dame Frances his wife of the one parte, and the said William Cole of the other part (acknowledged as before is sett forth) by the said Sir William Berkeley, and Dame Frances his wife is, and for ever hereafter shall bee accepted, reputed and taken to be a good and firme conveyance and assurance of the said one thousand three hundred and fifty acres of land with all the appertenances thereunto belonging unto the said William Cole, his heires and assignes for ever against the said Sir William Berkeley and Dame Frances his wife, and either of them, their and either of their heires and assignes, notwithstanding the same was not done by fine and recovery, *and it is further enacted and ordained* by the authority aforesaid that the said William Cole, his heires and assignes for ever shall and may peaceably and quietly have and hold, occupy, possess and enjoy the said one thousand three hundred and fifty acres of land with all buildings and ap-

pertenances whatsoever to the same or any part thereof belonging, or appertaining against the right title, interest, claime or demand of the said Sir William Berkeley and Dame Frances his wife, and either of them, their and either of their heires and assignes, and alsoe against the claime and demand of any other person or persons whatsoever claimeing or to claime from, by or under the said Sir William Berkeley and Dame Frances his wife, or either of them or their, or either of their heires and assignes.

ORDERED that all the undertakers present their Bills of Exchange to the respective collectors by the fifteenth of January next, and that the said Collectors transmitt them to Mr. Secretary and Colonel Parkes the countrie's assignees for receiving the money for the publike use of the country.

ORDERED that the respective county courts at their levye doe pay and allow to their burgesses the just and reall expence of his man and horse at James City, *provided* the said burgesses deliver, in the account thereof on their reputation.

County courts to allow the real expence of their burgesses, and their man & horse. How accounts rendered.

ORDERED that twelve pounds of tobacco per pole be levyed of and from every tythable person within this colony, and the same paid to the severall persons concerned for and towards the defraying the publike charge of this country this present yeare.

Public taxes^d

Die Jovis, October 8th, 1674.

TO the proposition from his honour and the counsell to assertaine the fee of a coroner, *resolved by the house of burgesses* that it be officiated as formerly by the next justice of peace, who is impowred to direct his warrant to the constable or any other person as he shall thinke meete, to empannell a jury of inquest, for which noe fee to be allowed.

Justices to act as coroners without fee

The assembly is adjourned till the three and twentieth day of March, which shall be in the yeare 1675, unles there shall be occasion to call it sooner.

Signed by Sir WILLIAM BERKELEY, *Govr.*
ROBERT WYNNE, *Speaker.*

AT A

GRAND ASSEMBLIE

HELD ATT JAMES CITTIE

Sir W. Berkeley, governor.

BY PROROGATION FROM THE ONE AND TWENTIETH DAY OF SEPTEMBER, IN THE YEARE OF OUR LORD 1674, TO THE SEAVENTH DAY OF MARCH, IN THE EIGHT AND TWENTIETH YEARE OF THE REIGNE OF OUR SOVERAIGNE LORD CHARLES THE SECOND.

ACT I.

An act for the safeguard and defence of the country against the Indians.

Purvis 196 and Edit. 1733 and 1752.

Preamble.

WHEREAS this grand assembly hath taken into sad and serious consideration the sundry murthers, rapines and many depredations lately comitted and done by Indians on the inhabitants of this country, and the greate danger the frontier counties are exposed to by the firequent incursions of Indians, for prevention whereof, and discovering the murderers, their

Various Readings.

* The commencement of the acts of this session taken from the *Ch. City & P. Rand.* MSS. which agree verbatim.—In the editions of 1733 & 1752, it is, ‘At a GRAND ASSEMBLY held at James City, by ‘prorogation from the twenty-first day of Septem. 1674, to the seventh day of March, 1675, in the twenty-eighth year of the reign of ‘our sovereign lord king Charles II.’—In the Northumberland MS. ‘Att a Grand Assembly holden at James City the 7th of March ‘1675 Annoq. Regni Rs Caroli sedi 27th.’—In Purvis, ‘At a Grand ‘Assembly held at James City the 7th day of March 1675-6’—That this was a session of March 1675-6, appears probable from the weight of authority and from the date of the reign of the king, as mentioned in the *Ch. City and P. Rand.* MS. and in the editions of 1733 and 1752; all of which state it to have been in the 28th year; whereas the session 1674, was in the 26th, from which it would seem that no assembly was held in 1675.

ayders and abettors for a full and effectually satisfaction to be taken for them and the future security of the country, *Be it enacted and ordained by the governour, councill and burgesses of this grand assembly and the authority thereof*, that a warr be declared and effectually prosecuted against all such Indians who are notoriously knowne or shalbe discovered to have committed the murthers, rapins and depredations aforesaid, their fautors (a) ayders and abettors, and against all other suspected Indians who shall refuse to deliver us such sufficient hostages, or other security for their fidelity and good affection to the English as shalbe required, and that shall refuse to be ayding and assisting us in discovering, persueing, and distroying those our enemies, *And further be it enacted by the authority aforesaid*, that the charge of this warr be susteyned by the whole country. And whereas it is considered wee are to warr with an enemy whose retirements are not easily discovered to us, soe that a flying army may not be soe usefull at present, *Be it therefore further enacted by the authority aforesaid*, that five hundred men (aquarter part whereof may be horsemen) be drawne out of the midland and most secure parts of the country be entred into standing pay and placed on the heads of the rivers and other places fronting upon the enemy, and garrisons at certaine fforts and places hereafter named (that is to say) thirty flower men out of Northumberland county, twenty five men out of Lancaster county, and twenty five men out of Middlesex (b) county be garrisoned at one ffort or piace of defence on Potomack river at or neare John Mathews in the county of Stafford, of which ffort captain Peter Knight to be captain or cheife comander; one hundred and eleven men out of Gloucester county to be garrisoned at one ffort or place of defence at or neare the ffalls of Rapahanack river, of which ffort major Lawrence Smith to be captain or cheife comander, eleaven men out of Gloucester county aforesaid and forty one men

War declared against the Indians.

Charge of war to be borne by whole country

Num. of army.

Where stationed.

From what counties drawn; & who to command them.

Various Readings.

* The running title of the acts of this session in edi. 1733 & 1752 is, 'Anno vicessimo octavo CAROLI secundi regis.'

(a) 'Fautors' in *Ch. City* and *P. Rand. MS.*

(b) This is the first time *Middlesex* county has been mentioned.

out of the lower parts of New Kent county to be garrisoned at one ffort or place of defence betweene Yerburies house and Chickahominy Indian Towne Landing on Mattapony river, whereof Coll. Will. Claighborne, junr. be captain or cheife comander; sixty one men out of Yorke county to be garrisoned at one ffort or defensible place at or neare Mahixon upon Pomunkie river, of which ffort major George Lyddall be captain or comander in cheife; fifty five men out of James City county to be garrisoned neare the falls of James River, at captain Byrds or at one ffort or place of defence over against him at *Newletts* (a) of which ffort leut. coll. Edward Ramsay be captaine or cheife comander; nineteene men out of Warwick county, nineteene men out of Elizabeth City county, and nineteene men out of Charles City county to be garrisoned neare the falls of Appamatuk river, at major generall Woods, or over against him at one ffort or defensible place at *fleets*, of which ffort major Peter Jones be captain or cheife comander, forty men in the county of Surry to be garrisoned at one ffort or defenceable place neare Richard Atkins upon the *black water* in the same county of Surry, of which ffort captain Roger Potter to be captaine or cheife comander; forty men out of the countyes of the Isle of Wight, Nanzemond and Lower Norfolke to be garrisoned at *Currawaugh* alias *New Dursly* in the head of Nanzemond, in a fort or defensible place there, of which ffort capt. Edward Wiggins to be captain or cheife comander; And that one ffort or place of defence be betweene John Reddings and Pocamoke river, in the county of Accomack, or else where in that county, at the choice of the militia officers of those two countyes of Accomack and Northampton to be guarded by such horse and ffoote as they shall find needfull to be paid (when upon service) as those of the rest of the countyes, *And be it further enacted by the authority aforesaid*, that the ammunition for the aforesaid fforts or places of defence be thus proportioned, vizt. to the ffort in Potomack and in Stafford county, three hundred sixty six pounds of powder, and one thousand ninety eight pounds of

Apportionm't
of ammunition

Various Readings.

(a) 'Howlett's' in *Ch. City* and *P. Rand.* MS.

shott; to the ffort at the ffalls of Rappahanock ffower hundred and eighty pounds of powder and fforeteene hundred fforty three pounds of shott; to the ffort on Mattapony two hundred twenty eight pounds of powder, and six hundred eighty ffower pounds of shott; to the ffort in Pamunki river two hundred and seaventy pounds of powder, and eight hundred and ten pounds of shott; to the ffort at the ffalls of James river, two hundred and fforty pounds of powder, and seaven hundred and twenty pounds of shott; to the ffort on Appamatock river two hundred fforty three pounds of powder, and seaven hundred twenty nine pounds of shott; to the ffort on the Black water, in Surry county, one hundred and eighty pounds of powder, and ffive hundred and fforty pounds of shott; to the ffort at New Dursley alias Currawaugh, one hundred and eighty pounds of powder, and ffive hundred and fforty pounds of shott; which said ammuni- tion is to be and remaine as a magazeen in the sever- all fforts to be discreetly and orderly distributed by the captaine or comanders respectively, *And be it fur- ther enacted by the authority aforesaid*, that those countyes afore recyted, which send men to the fforts, send armes with them and provisions, that is to say, five bushells of shelled corne and sixty pounds of porke, or eighty pounds of beefe per head for fowre months, and soe from fowre months to fowre months provide duly, one month before every fower months expire, with necessary utensills to dresse their victu- alls in, alsoe with axes, hoes, spades, sawes, wedges, and nailes what occasion requires, And that the capt. of every ffort be authorized to presse any other neces- saryes which shall be needfull for the use of his ffort, that a Chirurghion be provided for every fforte, and that the collectors provide a convenient quantity of medi- cines and salves, &c. vizt. to the value of ffive pounds sterling for every hundred men, paying it out of the collection of two shillings per hogshhead. And that these persons hereafter named, vizt. Coll. St. Leger Codd and major Thomas Brereton, or either of them in the county of Northumberland; coll. William Ball and leut. coll. John Carter, or either of them in the county of Lancaster; coll. Xpher Wormely and major John Burnham or one of them in Middlesex county,

Magazine.

Men to carry provisions and tools with them, for four months.

Power of im- pressment.

Surgeons, me- dicines, &c. to be provided

Persons em- powered to impress men and horses.

coll. Francis Willis, and coll. Philip Ludwell, Esqrs. or one of them in Gloucester county; coll. Robert Abraham and coll. John West, or one of them in the county of New Kent; coll. Nathaniel Bacon, Esqr. and major John Page, or one of them in Yorke county; Lt. coll. Edward Ramsey, major William White, and capt. Hubert Farrell, or either of them in James City county; coll. Pritchard, leut. coll. Cole, and major Thomas Cary, or either of them in Warwick county; Lt. coll. Charles Morrison and captaine Anthony Armested, or one of them in Elizabeth City county; Lt. coll. Edward Hill and capt. Nicholas Wyatt or one of them in Charles City county; coll. Thomas Swan and leut. coll. George Jordan, or one of them in Surry County, coll. Joseph Bridger, Esqr. coll. John George and major James Powell, or either of them in Isle of Wight county; coll. Thomas Godwin, Lt. coll. John Lear and major Thomas Millner, or either of them in Nansemond county; coll. Lemuell Mason and major Francis Sawyer, or one of them in Lower Norfolk, and the officers of the militia in the countyes of Accomack and Northampton if need be, for the ffort, there be commissioned by vertue hereof to issue forth their warrants directed to some discreet person or persons in their respective countyes, to make choise of the men and horse before lymitted in their countyes to be raised for their respective fforts aforesaid, and to impresse and provide the proportion of provisions and other necessaries before alsoe recyted, and alsoe to take the care and charge of impressing sloopes, boates or other conveniencye of carriage to convey to all the respective fforts, whereunto they are designed, and that the county courts certifye the deserveings of those persons soe employed to the assembly where those accompts are to passe. *And it is further enacted by the authority aforesaid,* that the afore recyted commissioners, alsoe coll. William Farrer and leut. coll. Francis Epes or one of them in Henrico County, coll. Nich Spencer and Lt. coll. John Washington, or one of them in Westmerland county, coll. William Traverse and capt. Thomas Hawkins or one of them in Rapahanock county, coll. George Mason and Mr. James Austin or one of them in Stafford county be further commissioned when occasion shalbe to use Indians in the warre

Additional
commiss'ners,
to employ the
Indians and
give them re-
wards.

and require and receive hostages from them, alsoe to provide one hundred yards of tradeing cloath to each respective ffort, that it be ready to reward the service of Indians, as hereafter in and by this act shall be provided. *And be it further enacted by the authority aforesaid,* that every footeman in standing pay be allowed after the rate of fifteene hundred pounds of tobacco and caske per yeare, and every horseman for himselfe and horse after the rate of two thousand pounds of tobacco and caske; that captains pay be six hundred pounds of tobacco and caske per month, a leutenants pay fowre hundred pounds of tobacco and caske per month, ensignes three hundred pounds of tobacco and caske the month, serjeants two hundred and fifty, corporalls and drummers each one hundred and fifty pounds of tobacco and caske the month soe long as they shall continue in service, together with all advantages allowed by the law of armes. And further, that due consideration shalbe had by the grand assembly of the indigent ffamilies of such as happen to be slaine, and of the persons and ffamilies of those who shalbe maimed and disabled in this warr. And if any horse shalbe killed or dye by reason of the service, the owner thereof shall be paid for itt; And for the better discovery of the enemies approaches, bee it further enacted by the authority aforesaid, that the horsemen in every garrison be commanded to range constantly betweene the garrisons till they meete if possible, that a constant intelligence be maintained betweene them, And the foote to be in action at the discretion of the comanders, for secureing the adjacent plantations, And that fowre Indians and noe more be admitted to belong to each ffort, and they rewarded with matchcoates for service. *And it is further enacted by the governour, councill and burgesses of this grand assembly, and the authority of the same,* that the principal comander or comanders of the counties adjacent to the respective fforts doe forthwith, after publication hereof, take an exact lyst of the remaining fforges of their counties, who are to be ready on all occasions to enter into pay, and march to the releife of the fforts, or other occasions as the emergency of the service shall require, and as they shall from tyme to tyme be commanded by the governour, or such cheife comanders as he shall nomi-

Pay to footmen and horsemen

Captains.
Lieutenants

Ensigns.
Sergeants.

Corporals' and drummers'.

Provision for the families of those slaine.

Owner of horses killed or dying to be paid.

Duty of horsemen.

Forces of each county to be enrolled.

How to be employed in case of sudden invasion.

Enemy not to be attacked with't orders from the gov'r.

Premiums to Indians to engage in war.

3 matchcoats every live prisoner, and one for the head of every 1 killed.

Articles of war to be adopted.

nate and instruct to that end, And further, if it shall happen any attempts to be made upon any ffort or plantation of ours by the Indians, that some comander besides the county comander before mentioned be by the honourable governour appointed in the parts adjacent to every ffort, who shall be authorized with the fforges before mentioned to be raysed, not only to relieve and secure the fforts, plantations and inhabitants from the incursions and sudden assaults of the enemies, but alsoe if oppertunity present, pursue, follow and fight them. And if any discovery shalbe made of any ffort, habitation or number of the enemy settled or fortified, that an account thereof be forthwith sent to the governour, and that noe attempt be made upon them by any comander whatsoever untill order shall come from the governour; and least any suddaine advantage or opportunity of attacquing the enemy be lost, that the governours honour be pleased to nominate a cheife comander over the whole armye to reside neare some of the fforts. And whereas coll. George Mason exhibited to this grand assembly a certaine agreement by him made with certaine Indians, vizt. that the young men shall goe in search of all murderers, and all other Indians enemies to the English, to be paid three matchcoates for every prisoner they bring in a live, and one matchcoate for the head of every one they kill; *Be it enacted by the authority aforesaid*, that the said agreement shall be well and truly observed on our parts, and that those comissioners here before in this act named to take hostages may make the like agreement (if they can) with all other the neighboring Indians who shall be paid accordingly out of the store provided in the respective fforts as in and by this act before is mentioned; and to prevent disorder and lycentiousnesse whereunto armies are too much inclyned where good discipline is not observed. *Be it enacted by the authority aforesaid*, that certaine articles rules and orders (being in number twenty six) to be observed and kept by the armye as well in garrison as in fiield, and are hereunto annexed be put in execution; and that any captaine of a ffort or other subordinate officer comanding a party be impowred to punish any the offences therein mentioned upon any of his or their company offending not extending to life or

member, but that capitall and greate crimes be adjudged at a councill of warr; *And it is further enacted* that in going to churches and courts in those tymes of danger, all people be enjoyned and required to goe armed for their greate security, And for the abatement of the excessive charge, which upon our preparation for warr will unavoydably follow, that it may please the right honourable the governour, if by the timely victory over the enemy (through Gods assistanse, or manifest peace with them or otherwise it shall be thought fitt) to call in all or soe many of the forces now entring into pay as to him shall seeme convenient, that soe much as can be of the cuntryes ammunition and provisions may be spared, and the almost insupportable charge abated.

Arms to be carried to church.

Power of the gov'r to disband the army.

And be it further enacted by the authority aforesaid, that if at any tyme dureing this warr any thing should fall out not in this act sufficiently provided for, that then, and in such cases, the honourable governour with such of the councill as he shall call unto him be, and hereby are requested to doe, act, and command such further thing and things as to him and them shall seeme most convenient and as necessity shall require.

Govs & council may supply defects of the law.

And finally whereas the successe of all humane actions depend upon the good pleasure of Almighty God, that wee humbly implore the divine assistance and blessing upon our endeavours in this warr, *Be it enacted* that the last frydayes in Aprill and May next be sett a part as dayes of publike fasting and humiliation, to be duly and sincerely solemnized throughout this country.

Fast days appointed.

The Articles, rules and orders to be observed and kept by the army as well in the severall garrisons as in the field, are as followeth :

Articles of war (From C. City and P. Rand. MS.)

IF any shall blaspheme the name of God, either drunke or sober, shall for every offence runne the gantlett through one hundred men or thereabouts, either more or less, at the discretion of the commander, but he or they that shall willfully, notoriously and obstinately persist in this wickedness, shall be bored through the tongue with a hott iron.

For blaspheming the name of God, to run the gauntlet; and for obstinately persist'g, to be bored thro' the tongue with a hot iron.

The same punishment for derid'g God's word or sacrament.

For swearing, or get'g drunk, to ride the wooden horse, &c.

Prayers to be read every morning and evening; penalty for not attending.

Silence to be kept.

Obedience to officers.

Punishm't for disobedience.

For discrediting an officer.

Death to lift up arms aga'st an officer.

For strik'ng an officer to lose the right hand. Punishm't for refus'g obedience to a superior officer.

2. If any person or persons in the army shall deride or contemne Gods word or sacraments, they shall suffer and undergo the aforesaid punishment.

3. If any man shall offend Gods name by swearing or notorious drunkenness, and shall be thereof thrice convicted by his officer, and shall still obstinately persist therein, he shall after the third offence, and for every such offence afterwards ride the wooden horse half an hour with a musket tyed at each foote, and ask forgiveness at the next meeting for prayer or preaching.

4. That publique prayers be duely read in the feilde or garrison every morning and evening, and he that shall upon the call of the drumm or other notice by order of the commander given, refuse or neglect to repair to the said place of prayer, preaching or reading of homilies or sermons shall be punished at the discretion of the commander.

5. That the commandes of the officers may be the better understood, that silence be kept whilst they are marching in the feilde, and at the encamping and in garrison after the tartooes have gone about, upon the penaltie to be laid neck and heels during the space of one hour for every such offence.

6. That all officers and souldiers be obedient to the commander in cheife and the officers next under him, in whatsoever they shall command for the service of the king.

7. Whosoever behaves not himselfe obediently to the commander in cheife, &c. as aforesaid, shall have such punishment layd upon him as they shall think fitt, according as the person and fact is.

8. If any shall offer to discredit these officers aforesaid, either by word or otherwise, and not be able to make good proof of it, shall be punished with greivous punishment at the discretion of the councill of warr.

9. Whosoever shall offer to lift up any manner of armes against the officers aforesaid, with an intent to hurt them shall be punished with death.

10. If any offers to strike them with his hand, whether he hitt or misse, he shall loose his right hand.

11. If any souldier or officer serving either on horse back or foote shall offer any wrong, either in word or deed unto his superior officer, or shall refuse any duty

comanded him tending to his majesties service he shall be punished according to the importance of the fact.

12. If any shall do any hurt to them either in ffield or not, hee shall be shott to death.

Death^r to injure an officer.

13. He that shall draw his sword in any strength or flort to do mischeife therewith, after the watch is sett, shall be punished with death.

Death to draw a sword in wrath.

14. That noe man shall hinder the marshall or other officer in executing his office in punishing offenders upon paine of death.

Death to hinder marshal or other officer, from inflicting punishment.

15. That noe souldier shall refuse to worke in any strength or fortification, or any place whatsoever, where he shall be comanded for his majesties service, upon pain of punishment.

Punishm't for refus'g to work in a fortification.

16. And whosoever shall doe his majesties service slightly or lazily, shall first ride the wooden horse, and for the second offence ride the wooden horse and be restrained with bread and water, according as the fact shall be adjudged more or lesse haynous.

For refus'g to do service, to ride the wooden horse, &c.

17. All officers shall dilligently see the souldiers ply their worke when they are comanded soe to doe, and hee that neglects his duty shall be punished att the discretion of the court martiall.

Officers to see that the men do their duty.

18. No man shall presume to make an allarme in the campe or quarters, or shoote of his muskett in the night time upon pain of death.

Death to make alarm in camp or to shoot in the night.

19. Hee that when warning is given for the setting of the watch, upon the call of the drum and trumpett, shall willfully absent himselfe without lawfull excuse, shall be punished with the wooden horse, or some other pennance, at the discretion of the comander, as the importance of the fact is.

For being absent at setting of the watch, punishable by riding wooden horse, &c.

20. Hee that is taken asleepe upon the watch, either in any strength, trench or the like, shall be shott to death.

Death, to be found asleep on post.

21. Hee that shall be drunke upon the watch or place of centinell shall be shott to death.

Also to be drunk.

22. Whosoever runs from his colours, and doth not defend them to the utmost of his power soe long as they are in danger, shall suffer death.

Also to desert colours.

23. Hee that runns from his colours in the ffield shall dye for it, and if any of his commanders or comrades shall kill him in the mean time, he shall be free.

And may be shot.

Death to give
intelligence to
the enemy.
Mutiny defined
and punished.

24. If any English or Indian shall give private intelligence to the enemy hee shall suffer death.

25 Every one that shall not be content with such provision and quarters as shall be provided for him, either in the campe or garrison, shall be accounted a mutineere, and punished accordingly.

Punishm't for
embezzeling
arms, &c.

26. Hee that sells, pawnes or imbezells his armes, or any ammunition whatsoever, or any axes, spades, shovells, &c. or other necessary instruments, shall for the first and second fault runne the gantlett att the discretion of the commander, and for the third be punished as for theft.

ACT II.

An act prohibiting trade with Indians.

Purvis 196 and
Edi. 1733 and
1752.
Preamble.

WHEREAS the country by sade experience have found that the traders with Indians by their avirice have soe armed the Indians with powder, shott and gunns, that they have beene thereby imboldened, not only to fall upon the ffronteer plantations murdered many of our people and allarmed the whole country, but to throw us into a chargeable and most dangerous warr, and though good lawes have been made for prohibiting the tradeing with Indians for armes and ammunition, yet greate quantities have beene yearely vended amongst them, for prevention whereof for the future, *Bee it enacted and ordeyned, by the governour, councill and burgesses of this grand assembly, and by the authority of the same,* that if any person or persons whatsoever within this colony from and after tenn days after this present session of assembly shall presume to trade, truck, barter, sell or utter, directly or indirectly, to or with any Indian any powder, shott or armes, except only such as in, and by one proviso hereafter in this act to be appoynted and be thereof lawfully convicted shall suffer death without benefit of clergy, and shall forfeite his or their whole estates, any act, law, usage or custome in any wise to the contrary notwithstanding, the one halfe of which forfeiture to the use of the publike, the other halfe to the informer. *And be it further enacted by the authority aforesaid, that*

Death to sell
arms or am-
munition to
Indians.

if any person or persons whatsoever, from and after the tyme before lymitted shalbe found within any Indian towne or three miles without the English plantations with powder, shott or other armes and ammunition, except one gunn and tenn charges of powder and shott for his necessary use, although he or they be not actually tradeing, trucking, bartering, selling or uttering to or with the Indians, he or they soe found, and thereof lawfully convicted shalbe adjudged guilty of selling and suffer accordingly. *But forasmuch* as wee are sencible that such Indians as are amongst us in peace, if they be not supplied with matchcoates, hoes and axes to tend their corne and fence their ground, must of necessity perish of ffamine or live on rapine. *It is further enacted*, that it shall and may be lawfull for the county courts to nominate and authorize some sober persons to the number of five and noe more, in their respective counties to supply the neighbouring Indians (that are in amity with us and will come in and noe other) with such goods and merchandizes as Indians usually deale for (except powder, shott and armes by this act prohibited as aforesaid) at such reasonable rates and prizes as they and the Indian can agree, of which number to be nominated as aforesaid, none of the late traders with Indians nor any comissionated by them their ffactors, agents or servants be authorised, but that they the said Indian traders and every of them for the causes here before in this act recyted be, and are hereby from all manner of tradeing, trucking, bartering and dealing whatsoever with any Indian whatsoever utterly barred and excluded. And if any of the said late traders notwithstanding this prohibition shall truck, trade or deale contrary to the true intent and meaning hereof, and be thereof lawfully convicted, shall for the ffirst offence be fined to pay ten thousand pounds of tobacco, or suffer one yeares imprisonment without bayle or mainprise, for the second offence the ffine or imprisonment doubled, the third trebled, and soe forward. *And be it further enacted by the authority aforesaid*, that if any other person whatsoever not being of the number of five by the courts to be authorised as aforesaid shall presume to trade, truck, barter or sell to or with any Indian whatsoever, and be thereof lawfully convicted, shall for the first

Felony to be found with them in any Indian town.

Commiss'ners to be appointed to furnish peaceable Indians with necessaries.

Late traders excluded.

Pen'ty on late traders for further dealing with Indians.

Penalty on others, not authoris'd by the commiss'ners

offence be fined to pay one thousand pounds of tobacco or suffer imprisonment one month, for the second offence double, the third treble, and soe forward, the one halfe of which tobacco fines to the use of the publique, and the other halfe to the informer.

Oath to be taken by authorised traders, not to furnish arms & ammunition to the Indians.

And be it further enacted, that all and every person by the county courts to be authorised as aforesaid, shall in open court solemnly swear upon the Holy Evangelist, that neither they nor any by their appointment shall directly or indirectly furnish or supply any Indian whatsoever, under any pretence whatsoever, with powder, shott, or armes that they and every of them shall and will use their utmost endeavours to find out and discover those that shall offend against this act, which said oath the justices in their respective courts are hereby impowred to administer. *Alwayes provided* that it shall and may be lawfull for the capt. of any ffort or such other person or persons by the governours comission to this end impowred to deliver forth to those Indians (who are and shalbe actually engaged and listed in the service of this warr, now by Gods assistance to be undertooke) such quantyies of ammunition and armes as shall reasonably be thought to be usefull and to be expended by them in such their service and not otherwise, without impeachment, any thing in this or any other act to the contrary notwithstanding.

Proviso, as to Indians employed by the whites.

ACT III.

Edit. 1733 and 1752.

An act prohibiting the exporting of Corne.

Purvis 196.

Exportation of corn and provisions prohibited.

WHEREAS the countrys preparation for warr in likelyhood may cause a more then ordinary expence of provisions, *it is therefore thought fitt, it be enacted, and it is by the governour, councell and burgesses of this grand assembly and the authority thereof, enacted and ordained*, that noe corne or provisions from and after the fifth day of Aprill next, shalbe exported out of this colony under the penalty of two hundred pounds of tobacco for every barrell of corne, and double the price of any other provisions to be paid by the

party exporting it: *Provided nevertheless*, that it shall and may be lawfull for those who have already laden any corne or provisions on board, and have purchased other to load the same within the tyme afore lymitted, but not afterwards, and the same soe loaded to export without impeachment, any thing in this act to the contrary notwithstanding. *And it is further enacted*, that this restraint continue till the last day of July next and noe longer.

Proviso, in favour of vessels laden.

Continuance of act.

ACT IV.

An act for the naturalization of Christian Peterson.

WHEREAS at a grand assembly held at James Citty the 20th day of September, in the twenty third yeare of the reigne of our Sovereigne Lord King Charles that now is, and in the yeare of our Lord God 1671, It was enacted and ordained that any stranger desireing to make this country the place of their constant residence, might upon their petition to the grand assembly, and takeing the oathes of allegiance and supremacy be admitted to a naturalization, whereupon Christian Peterson, an alien makeing humble suite as aforesaid; *Bee it enacted by the governour, councill and burgesses of this grand assembly, and the authority thereof*, that the said Christian Peterson be, and is by vertue herof, and the afore recited lawe, whereupon this is grounded, capeable of free traffique and tradeing, of takeing up and purchaseing, conveying, deviseing and inheritting of lands, tennements, and from henceforth be, and hereby is declared, deemed and holden, and in all constructions of law stated, vested and indulged with all priviledges, liberties and immunities whatsoever (relating to this colony) that any other naturall borne Englishman is capable of, according to the true intent and meaning of the said act.

Edit. 1738 and 1752.

(From C. City & P. Rand. MSS.)
Preamble.

Christian Peterson naturalized.

Entitled to all the privileges of a nat'l born Englishman.

ORDERED that the late act for provideing armes and ammunition be putt into strict and effectuall execution, alsoe that the county courts and militia officers see the smyth's accounts for fixing armes. be putt

Act for provideing arms and ammunition to be strictly executed.

LAWS OF VIRGINIA,

into the collection, and that they be paid according to the act.

This assembly adjourned till the fifth day of October next, unless his honour see cause to convene it sooner.

Signed by Sir WILLIAM BERKELEY,
Governor.

AUGUSTINE WARNER, *Speaker.*

Test.

JAMES MINGE, Cl. Assm.

GRAND ASSEMBLIE,

HOLDEN AT JAMES CITTIE

THE FIFTH DAY OF JUNE 1676; IN THE EIGHT AND
TWENTIETH YEARE OF THE REIGNE OF OUR SOVE-
RAIGNE LORD KING CHARLES THE SECOND.

ACT I.

*An act for carrying on a warre against the barbarous
Indians.*

WHEREAS the many outrages, cruell murders,
and violent incursions dayly committed perpetrated
and made by the barbarous Indians in divers places of
this country, hath inevitably drawne us upon a neces-
sity of declareing warr against them, and of prose-
cuting the same as wee hope by Gods blessing may

Sir W. Berke-
ley, governor.

All the acts &
orders of this
Assembly re-
pealed by pro-
clamation and
also by the 4th
act of the suc-
ceed'g assem-
bly.

Edit. 1733 and
1752.

War declared
against Indian
enemies.

Various Readings.

^r The commencement and acts of this session chiefly taken from
the *P. Rand.* MS.—In the edi. 1733 and 1752, the commencement is,
^c At a GRAND ASSEMBLY, begun and holden at James City, the fifth
^d day of June 1676; in the twenty eighth year of the reign of our
^e sovereign lord Charles II. of England, Scotland, and Ireland, king,
^f defender of the faith, &c.

☞ The Editor has now the pleasure of laying before the public
an *entire collection* of the laws, passed at an assembly held during a
period which has generally been denominated *Bacon's Rebellion*.
All these laws having been repealed by the king's instructions and
proclamation, and also by the 4th act of the succeeding session,
held at *Green Spring*, in February 1676-7, (see note at the end of
the acts of this session,) the titles only were preserved in the edi-
tions of 1733 & 1752. In the Northumberland MS. which in other
respects is in excellent preservation, all the acts of this session are
torn out except two leaves, containing part of the first act: in the
Ch. City MS. only part of them are torn out; but in the *P. Rand.*
MS. they are preserved entire.

It appears from two ancient MSS. published in the *Enquirer*, vol.
1, No. 34, 35, 36 and 37, as well from the subject matter of
the laws of this session, that the character of this transaction is enti-

The innocent
not to be in-
volved with
the guilty.

What acts con-
stitute Indians
enemies.

be effectually, but forasmuch as wee are not altogether satisfied that all Indians are combined against us, and are our enemies, and that wee are taught as well by the rules of our sacred religion, as those of humanitie, that we ought not to involve the innocent with the guiltie. *It is thought fit that it be enacted, and it is by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof enacted and ordained in manner and forme as followeth, vizt. That all such Indians shall be accounted and prosecuted as enemies that either already have, or hereafter shall forsake their usuall and accustomed dwelling townes without licence obtained first from the honourable governour or grand assembly, or such person or persons as the governour shall thereto commissionate, as alsoe all such Indians as shall refuse upon demand to deliver up into the hands of the English all such armes and ammunition of what kind or nature soever (bowes and arrows onely excepted) and alsoe to deliver such hostages as shall from time to time be required of them by the*

Various Readings.

tled to a very different appellation from that which had been given to it by the English historians; and that *Bacon*, instead of deserving the epithet of *rebel* was, in truth, a *patriot*. It is impossible to read the acts of this session without perceiving that the people were groaning under the oppressions of the government. Act V, "For regulating officers and offices," will shew that great abuses had crept into the administration; and that many innovations, in practice, had been made on the ancient laws. By act 7, the people were restored to that universal right of suffrage, to which they had been accustomed from the first settlement of the country, with a small interruption only, (see vol. I, index titles '*Burgesses*,' '*Elections*') and of which they had been deprived, by the 3d act of October, 1670, ante pa. 280. The 12th act subjects members of the council and ministers to the payment of levies or taxes, from which they had long been exempted.

A repetition of abuses such as those of which *Bacon* and his adherents complained, and an accumulation of oppressive acts on the part of the British government, without doubt, produced the American revolution: and it is somewhat remarkable that precisely at the expiration of a century, from the time of *Bacon's* opposition, the people of Virginia, in convention, unanimously proclaimed the idea of American Independence;—the celebrated resolution, instructing the Delegates in Congress from Virginia, to declare the colonies free and independent having been passed on the 15th of June, 1776, and the assembly under *Bacon's* influence, having been held in June 1676. [See the *Resolution of the Convention of Virginia instructing their Representatives in Congress to propose a Declaration of Independence*, ante vol. 1, pa. 7.]

right honourable the governour or such other person or persons as he shall commissionate to that purpose, or that refuse or neglect to send such of their Indians with the English as shall be required of them, either by the grand assembly, the right honourable the governour, or by any commander or commanders in cheife who are or shall be by the governour commissionated, as alsoe all such Indians as at present are our reputed friends who shall receive and entertaine into their townes, cabbins or forts, any Indian or Indians our present enemies, or Indians that shall hereafter become our enemies, or any strange Indian who doe not properly belong to their said townes, and shall not immediately upon their said comeing in amongst them seaze the said Indians, and deliver them up to the English, or kill or destroy them, *provided* they may be reasonably supposed to be of force and strength enough to doe the same, in which case ouely they shall excuse themselves and bee deemed in peace with us by their immediate giving notice of such Indians being amongst them to the cheife officer or officers of the militia, or some justice of the peace dwelling or residing next to them, and alsoe all such Indians who shall be knowne directly or indirectly to hold commerce or conversation with our knowne enemies, and to the intent wee may the better discover what strange Indians or other enemy Indians come amongst our neighbours, the nearest commission officer or officers to any Indian towne of the militia are hereby required to take a particular list or account by name and number of all and every Indian therein inhabiting, and the Indians of any towne who shall refuse to give an account, or that shall not give a true and just account by name and number as aforesaid, shall be held and prosecuted as enemies as aforesaid, against all and singular the before recited Indians, their and every of their ayders, assisters, comforters and abettors, actuall warr and open hostilitie, is by the authoritie aforesaid, hereby pronounced and declared. *And it is further enacted by the same authority*, that the number of one thousand men whereof the one eighth part to be horsemen and dragoones bee forthwith raised in order to the prosecuting this Indian warr, and drawne forth out of these respective counties hereafter named, vizt. thirty one men out of Henrico countie, fifty four men out of

War declared
against all
such.

Army to be
raised of 1000
men.

From what
counties.

Charles City county, fifty four men out of Lower Norfolk, six and twentie men out of Elizabeth City county, thirty four men out of Warwick county, eighty men out of York county, one hundred and eight men out of New Kent County, one hundred and forty men out of Gloucester countie, sixty three men out of Rappahannack county, thirty six men out of Middlesex county, thirty four men out of Lancaster countie, twenty nine men out of Stafford county, forty five men out of Westmoreland county, forty nine men out of Northumberland county, sixty men out of Nanze-mund county, sixty eight men out of James City county, thirty two men out of Surry countie, fifty seven men out of the Isle of Wight county, all which souldiers raised as aforesaid are to be maintained with provisions and paid their wages in and by their respective counties, at their said counties perticular charge, and that each county doeth and by vertue hereof is required to furnish its perticular soldiers with two pounds of powder and six pounds of shott a man with good and well fixt guns and other armes for the present, and for what ammunition more shall be wanting that it be provided by and at the charge of the publique, and that the counties of Northampton and Accomack beare their proportion of this publique charge. *And be it further enacted,* that every of the respective counties that send forth men as aforesaid doe provide for each man by them sent out, at least one pound of biscake bread, and one halfe pound of good dried beefe, bacon or cheese for a day, and soe to provide two months provision for their first going out, and convey the same together with their men armes and amunition aforesaid to the place, and by the time to be prefixt by the generall, alsoe to provide for every four and twentye men two oxen or steeres of six yeares old at least, and one baggage horse, or otherwise three baggage horses, which said steeres and horses are to be for the use of the marching armies, and for the better carriage of the provisions; that ropes, baggs and pannells be provided for leading the said oxen or steeres, and for the use of the baggage horses, and that at least twenty dayes before every two months expire other two months provision be provided, and soe during the time of this warr. and that the justices. burges-

Soldiers to be paid and provisioned by their respective counties.

Ammunition and arms.

Accomack & Northampton.

Provisions.

Baggage horses, or oxen.

Supply of provisions, how secured

ses and militia officers of each county be, and hereby are appointed, impowered and required to raise the said men in the respective counties, and to provide the provision, carriage and necessaries aforesaid, and to take care that all the said men, ammunition, provision and other necessaries bee made ready and conveyed to the place to be appointed by the cheife commander as aforesaid by the tenth day of July next. *And be it further enacted by the authority aforesaid, that the persons appointed, impowered and required as aforesaid, or any of them that shall be delinquent in their dutie herein and by this act imposed upon them, shall for every soldier not fitted out as this lawe requires be fined and amerced one thousand pounds of tobacco, and the sherriff of each countye immediately upon notice of this act given by any of the burgesses bee strictly required, and hereby is enjoyned to summon the gentlemen by this act appointed (to raise men and to provide the necessaries, &c.) to meete at their respective court-houses, to the end they may take care for the raisinge the men, and provideing the ammunition, provision and other necessaries in and by this act, provided to be raised, and had in their respective counties, and the sherriff faileing upon notice as aforesaid to performe his dutie therein, twenty thousand pounds of tobacco, and every justice, burges or militia officer required as aforesaid, that shall after summons given by the sherriffe as aforesaid faile to meete and assist at, and in raisinge the men and provideing the necessaries afore recited in their counties to be raised and provided, shall be fined two thousand pounds of tobacco, which said fines shall be paid to the use of the respective counties, wherein those, or any of those offences shall happen to be committed, and the right honourable the governour is hereby humbly desired if there shall bee occasion for more men then the thousand before limitted, that his honour cause them to be raised and provided for at the publique charge of the country. And for the encouragement to the soldiers, be it further enacted by the authority aforesaid, that footmen be allowed each of them one thousand five hundred pounds of tobacco a yeare, and after that proportion for the time they shall continue in service, and horsemen two thousand two hundred and fiftie pounds of tobac-*

How men, provisions &c. to be raised and furnished.

Penalty for neglect

Duty of sherriffs.

Pen'ty for neglect by sherriffs and others.

Addit'nal men raised

Privates' pay.

co a yeare, and after that rate for the time they shall continue on service. if he ride his owne horse and use his owne armes and furniture, otherwise to be allowed noe more then the sallary of a foote soldier, and the overplus to be paid the owner of the said horse and armes, and that in lieu of the tobacco herein mentioned for soldiers wages they be allowed tenn shillings for every hundred, or goods to their likeing, and further that all such soldiers shall this yeare be levie free and have the benefit of all plunder either Indians or otherwise; *And bee it further enacted by the authority aforesaid*, that all Indians taken in warr be held and accounted slaves dureing life, and if any differences shall arise in cases about plunder or slaves, the cheife commander of the party taking such slaves or plunder is to be the sole judge thereof to make equall division as hee shall see fit, and that if any horse or horses be killed in service, or armes lost, the owner or owners of such horse or armes soe lost, shall be satisfied for the same of the publique, hee or they producing a certificate from the cheife commander of the truth thereof, and that it shall and may bee lawfull for any person commanded to goe forth to the war to quitt his owne person by presenting any other such sufficient able man in his place as his perticuler commander shall approve, be he servant or freeman, provided the master of such servant be consenting and the servant willing, the master to have the pay allowed by this act, and the servant the plunder to his owne proper use. *And be it further enacted*, that each cheife commander make choice of and in case of their refusall to impresse two able chirurgions, with sufficient meddicines, and that each chirurgion be allowed four hundred pounds of tobacco a moneth, and if the meddicines be his owne to be paid for them by the publique, together with his wages aforesaid, and that those officers who have their allowance in the counties, and are hereunder mentioned, be paid after these rates, vizt. corporalls and drummers each one hundred and fifty pounds of tobacco per moneth, serjeants two hundred and fifty pounds of tobacco per moneth, ensignes three hundred and fifty pounds of tobacco per moneth, leiftenants four hundred pounds of tobacco per moneth, captains six hundred pounds tobacco per moneth; corporalls of horse

Other emolum'ts, plunder of Indians or otherwise.

Indians taken in war, to be slaves.

Horses killed, or arms lost, owner indemnified.

Substitutes, admitted.

Servants, their privileges.

Surgeons.

Medicines.

Surgeons' pay.

Pay of officers.

two hundred pounds tobacco per moneth, cornetts four hundred and fifty pounds of tobacco a moneth, lieuts. six hundred pounds of tobacco per moneth, That the cheife commander be capt. of the horse, the allowance of the commander or commanders in cheife to be twelve hundred pounds of tobacco per moneth, and to bee paid it by the publique, and whereas it may happen that divers soldiers in this warr may be wounded, maimed, and soe disabled to gett their owne livelihoods, *Bee it further enacted by the authority aforesaid*, that all such soldiers as shall be maimed and disabled in this war as aforesaid shall be maintained by the publique by an annuall pension dureing their lives, and dureing the time of such their disabilitye, *And be it enacted by the authority aforesaid*, that the forte in Heurico county commanded by coll. Edward Ramsay, the fortes in New Kent county commanded by coll. William Clayborne and major George Lydall, and the forte in Rappahannack countie commanded by major Lawrence Smith, which was settled or intended to be settled by vertue of a late act of assembly, be forthwith deserted, and that the soldiers to those forts belonging be quartered and disposed in the fronteere plantations for the strengthening and defence of them in such places, as the commanders of the said late fortes and militia officers in those frontiere counties shall appoint, but to be placed as convenient as may bee for their speedy drawing together to oppose the enemye on all occasions, and that their provision, ammunition and other necessaries to the said late fortes belonging, be removed to some convenient fortified plantation where good guards are to be left for securing thereof, and that the soldiers soe quartered as aforesaid, be accounted according to the number in behalfe of the counties to which they belong soe many as they shall amount to in part of them in and by this act enjoyned to be raised by those counties onely the one proportion of horsemen now out of any county sent by force of the said late act is to be drawne home, when the number of horse limitted in this act is drawne out and fulfilled. *And be it further enacted* that all counties lying on James River, together with Yorke countie be accounted the southern forces, alsoe that New Kent county with all other counties to the norward of

Pension allowed to wounded soldiers.

Certain forts discontinued, & the soldiers transferred to the frontiers.

Provisions therein how disposed of.

Soldiers therein accounted part of the quota of their county.

Routine of duty.

Southern and north'n forces

Gov'r to ap-
point comman-
ders of South-
ern & North-
ern forces.

Forces, where
to be quarter-
ed.

Power of im-
pressment.

Encouragem't
to indi's to en-
gage in the
war.

Appointment
of officers to
the counties.

To be chosen
by the soldiers.

Proviso.

Ammunition,
how supplied.

Yorke river be accounted the northern forces, and that such cheife officers be appointed to command the said southern and northern forces as the right honourable the governour shall commissionate, and that such part of those forces as shall be drawne to march upon the enemy shall be quartered in the most necessarie places for defence of the frontier counties; *And be it further enacted*, that whatsoever the cheife commander or commanders, or any of them shall finde wanting in the severall armies, whether ammunition, provision, armes, baggage horses, or other necessaries whatever, the same shall hereby have full power to impress it and to direct their warrants to any of the officers of the militia or justices of the peace, who are hereby required to show ready obedience thereunto, and that the charge of whatsoever shall be soe impressed be defrayed by the publike, and forasmuch as it may be necessary to use Indians in this warr, *Be it further enacted* by the authoritie aforesaid that whatsoever of our neighbouring Indians shall goe forth with the English to warr, each man shall be allowed one matchcoate or twenty armes length of roanoake the moneth for their service, and that they shall further be allowed one matchcoate for every prisoner they bring in alive, to be paid them by the publike, and for avoideing disputes in the choice of officers, *Be it further enacted* that in such counties wherein above sixty men shall be raised, one captain and one Lt. one ensigne, two serjeants and two corporalls be made choice of in the said counties, also where above forty men is to be raised, one Lt. or ensigne, two serjeants and one corporall, and where above thirty men shalbe raised, one Lt. or ensigne, one serjeant and one corporall, and that the soldiers for greater encouragement have free libertie to nominate their owne officers, *Provided* they choose them among the militia officers belonging to their own respective counties; and for a further constant supply of ammunition, *Be it further enacted by the authority aforesaid*, that the two associations of James River, and the one fourth part of the association of Yorke river, vizt. Yorke countie be obliged and commanded to furnish the southern forces, and that the remaining three fourth parts of Yorke river association. the association of Rappahan-

nack, and association of Potomack be strictly obliged and commanded to furnish the northern forces, each association proportionable according to their respective numbers of men, and that the commissioners of each association doe make diligent enquiry what summes of money remaine in the hands of the severall collectors or treasurers, who are hereby impowered to dispose of it to the uses aforesaid, and that whatsoever shall be found remaining over and above this necessary expence, that the said commissioners of the respective associations, together with the justices, burgesses and commission officers of each county thereunto belonging be impowered to remitt the said money into England by the first convenience, there to be layed out in fitt and necessary armes and ammunition, and with the most convenient and possible speed to be sent in, and by them proportionably distributed to the severall counties belonging to the said associations, there to be and remaine for each perticular counties guard and defence, or sent out upon any expedition when necessitie shall require: *Provided nevertheless* that it shall, and may be lawfull to and for Nathaniell Bacon, junr. Esq. genll. and commander in cheife of the force raised, and to be raised dureing this Indian warr, to raise such number of volunteers for the more expeditious carrying on this warr, as shall freely offer themselves for this service, and as to his the said Nathaniell Bacons wisdom and discretion shall seem most meet, any thing in this act to the contrary thereof in any wise notwithstanding. *Provided alsoe*, that if it shall happen that the number of volunteers raised, or to be raised by the said Nathaniell Bacon, Esq. as aforesaid, shall be by him found sufficient and fully effectuell for the prosecution of this present intended Indian warr in part or in the whole, that then it shall and may be lawfull, and the said Nathaniell Bacon is hereby impowered and authorized to dispense, and for what time convenient he shall in his discretion think meet, suspend the levying and raising of such part or all of the forces, ammunition and provisions intended, and commanded to be raised by this present act, as to his discretion shall seem most meet, he the said Nathaniell Bacon taking a provident care that such suspension or dispensation bee equitable and proportionable to all

How paid for

Arms and ammunition, how procured from England.

To be distributed to the severall counties.
Nath'l Bacon, Jr. commande: in chief.
May raise volunteers.

If volunteers sufficient, may dispense with other forces

counties alike to the number of tytheables of each county, any thing in this present act to the contrary thereof in any wise notwithstanding.

ACT II.

Edit. 1733 and
1752.

An act concerning Indian trade and traders.

Act II. of Mar.
1675-6 repeal-
ed

All trade with
Indians prohib-
ited.
Indians serv'g
with English
in war, to be
supplied to the
value of their
wages, except
arms and am-
munition.
Not to prevent
friendly Ind'ns
from hunting
or fishing with-
in their own
bounds.
Nor to hinder
trade for corn,
to relieve the
wives & child-
ren of the In-
dians.

Penalty for
dealing with
Indians con-
trary to this
law

WHEREAS it doth seeme fitt to this grand assembly to take away all collour and pretence of reveiving the late mischeivous Indian trade, in order whereunto, *be it enacted and ordained by the governour, counsell and burgesses of this grand assembly and by the authority of the same,* that the clause in one act made at a grand assembly on the seaventh of March last past, which permitted five persons in each county to trade with the Indians be henceforth repealed and made voide, and further that all trade and commerce with Indians is hereby utterly prohibited, and all commissions for Indian tradeing whatsoever are hereby revoaked, made null and voide. *Provided nevertheless* that it shall and may be lawfull that such Indians who shall serve the English in the warr, and onely such be supplied to the value of their wages and pay for the taking prisoners in such necessary things as they shall want, armes and ammunition wholly excepted, and it is hereby intended that our neighbour Indian friends bee not debarred from fishing and hunting within their owne limmits and bounds, useing bowes and arrowes onelie. *Provided also* that such neighbour Indian friends who have occasion for corne to releive their wives and children, it shall and may be lawfull for any English to employ in fishing or deale with fish, cannoes, bowles, matts or baskets, and to pay the said Indians for the same in Indian corne, but noe other commodities, any thing in this act, or any other act to the contrary notwithstanding, and that whosoever contrary to the intent and meaneing hereof shall truck, trade or deale with any Indian for any other commodities then those before in this act limmitted and provided, or upon findeing any Indian commodities in his or their houses and possessions other then what is

nerebefore mentioned, and by this act allowed, and that shall thereof be lawfully convict, shall be fined tenn thousand pounds of tobacco, the one halfe of which fine to the use of the publique, and the other halfe to the informer ; *Provided alwayes* it be not such Indian commodities as shall be taken in warr, which must be made appeare to be such by certificate from the cheife officer that such commodities were soe taken, and every soldier who shall take the same, shall give an account thereof to the next justice of the peace how and to whom he hath disposed of it. *And further bee it enacted*, that what person soever within this colony, who hath in his hands or custody any goods or truck prohibited as aforesaid, and that came into his possession before the making this act by any lawfull means whatsoever, shall not on or before the tenth day of July next present the same to the viewe of some justice of the peace to the end a certificate thereof may be had and granted shall be holden and deemed to be within the penalty of this lawe, and amerced accordingly, and that any inhabitant in this country killing any beaver, otter, wildcatt or foxe, shall for his securitie immediately convey the skinne thereof to the next justice of the peace, who is hereby required to grant certificate thereof, and to examine every such person upon oath before he issue such certificate.

Proviso, as to goods taken in war.

Certificate to be obtained from a justice as to prohibited articles.

ACT III.

An act concerning Indian lands deserted.

Edit. 1733 and 1752.
Preamble.

WHEREAS this country is now engaged in a warr against the Indians, and will thereby inevitably be at great cost and charges in prosecuteing the same, and whereas at or about the last conclusion of peace with the Indians, certain great quantities of land was assigned and sett apart, for them which lands were they sold for the use of the country would in some measure help to defray the publique charge aforesaid ; this house of burgesses thereupon in the name of the whole country doth humbly entreate his majesties governour and captain generall of the country, together with the councill of state that it may be granted, *Bee it therefore enacted and ordained by the governour, councill and*

Lands set apart for Indians at the last peace, or hereafter deserted by them, to be vested in the country; & disposed of to defray the charges of the war.

Not to affect prior or legal grants.

burgesses of this grand assembly, and by the authority of the same, that all lands whatsoever sett apart for Indians in the last conclusion of peace with them and other Indian lands as now are, or hereafter shall be by them deserted, bee not granted away by pattent to any perticuler person or persons, but that the same be reserved, and by due forme of law vested on the country, and dispose to the use of the publique towards defraying the charge of this warr. Provided alwaies that this act nor any thing therein contained shall prejudice any legall grants heretofore made to any person or persons whatsoever of any part or parcell of the said lands, and all such Indian iands as have bin pattented since the peace aforesaid, and before such desertion shall be held and deemed to be illegally pattented.

ACT IV.

Edi. 1733 and 1752.

An act for suppressing of tumults, routs, &c.

Preamble.

Every officer & magistrate, civil & military authorised to suppress unlawful assemblies, routs, riots & tumults.

Punish'm't for raising them.

WHEREAS of late there hath bin many unlawfull tumults, routs and riotts in divers parts of this country, for prevention of such insolences, and punishing offenders in that kind, the lawes of England hath well provided if the same bee put into due execution, *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof, that every respective officer and magistrate within this countrey, civill and military, from a constable to the highest civill magistrate, and from the lowest to the highest militia officer, be hereby impowered and strictly commanded for the suppressing and punishing all such unlawfull assemblies, routs, riotts and tumults, to use all lawfull wayes, authoritie, power and command, and whosoever shall be at any time disobedient to any the lawfull commands of any such civill or military officer or magistrate either in assisting, suppressing, quieting and punishing of any unlawfull assemblies, routs or tumults as aforesaid, shall be accounted, judged and punished as mutinous and rebellious. And whereas certain ill disposed and disaffected people of late gathered and may again gather themselves together by heate of drumme. and*

otherwise in a most apparent rebellious manner, without any authoritie or legall commission, which may prove of very dangerous consequences, *Bee it therefore enacted by the authority aforesaid*, and the right honourable the governour is requested upon the appearance of any such unlawfull assemblies and rebellions, when or whereof soever within this country such shall happen, that hee will please with all possible expedition to raise sufficient force at the publique charge to suppress the same, and inflict condigne punishment upon the offenders, which will conduce to the great safety and peace of this country, and enable us the better to defend ourselves against the barbarous and common enemie.

Rebellion to be suppressed by military force.

ACT V.

An act for the regulating of officers and offices.

Edit. 1733 and 1752.

WHEREAS divers complaints have bin made throughout the country of the abuses and other ill management and administration of divers offices, and hath bin represented to this assembly, that redresse may be had therein, in order whereunto, *Bee it enacted by the governour, councill and burgesses of this grand assembly, and by the authority of the same*, that noe person whatsoever within this country shall exercise, hold and enjoy the office of sherriffe or under sherriffe more then one yeare successively, and if any person or persons whatsoever within this country from and after the first day of May next, shall accept the said office of sherriff or under sherriff, and shall execute, hold or enjoy the same by him or themselves, or by his or their deputies contrary to the true intent and meaninge shall be fined twenty thousand pounds of tobacco to the use of the countie where he so officiates, any lawe, custome or usage to the contrary notwithstanding, and that according to a former act of assembly the sherriff's place be enjoyed by the severall commissioners of the respective countyes successively; *And bec it further enacted by the authoritie aforesaid*, that noe person or persons whatsoever shall hold or enjoy any two of these offices hereafter named at one

Preamble.

No person to hold the office of sherriff or under sherriff more than one year successively.

Penalty.

Sheriff's place to devolve on the justices in rotation.

No person to hold two of the offices of sh'ff, clerk of court, surveyor, or escheator at the same time.

Not to extend to clerk of assembly.

None but natives, or those who have resided in the country three years capable of holding any office;

nor person convicted of any notorious crime.

Secretary's office regulated.

Penalty for delaying persons attend'g there on business.

Penalty on secretary, clerks of courts, sheriffs, escheators, surveyors, collectors or other officers, for tak'g more than legal fees.

and the same time, being offices of profit, vizt. the offices of sherriffs, clerke of courts, surveyor and escheator, from and after the first day of Aprill next ensuing, under the penaltie of five hundred pounds of tobacco everie week, hee or they shall hold and enjoy the same contrary to the true intent and meaning hereof, *Provided nevertheless* that the offices of clerks who attend upon the assemblies, shall not be accounted and deemed to be one of the offices prohibited to be holden and enjoyed by this act, any thing to the contrary notwithstanding. *And be it further enacted by the authority aforesaid*, that noe person or persons whatsoever, the natives of this country and ministers excepted, shall from and after publication hereof bee admitted to have, beare and enjoy any office or offices within this country, until he or they have bin constantly resident and abideing in the country for the space of three yeares immediately before his being made an officer, and further that no person or persons whatsoever convicted of any notorious crime, shall be capeable of haveing, holding or enjoying any office or offices in this country, but utterly incapable thereof for ever. And whereas it hath bin represented that sundry the inhabitants of this country have bin delayed in the dispatch of their busines at the secretaries office, for prevention whereof for the future, *Bee it enacted by the authority aforesaid*, that any person or persons repairing to James Citty about the dispatch of his or their busines, in or about the said secretaries office, and shall be delayed by neglect or other remissnesse of the clerke to that office belonging, and shall make due proofe of such neglect or remissnesse before some magistrate in the said Citty, he or they soe greived or delayed shall be paid by the said clerke one hundred and fifty pounds of tobacco for every day delayed, any usage to the contrary notwithstanding. *And be it further enacted*, that if the secretarie, any clerke of a county court, sherriff, escheator, surveyor, collector or any officer or minister whatsoever, their or either of their deputies or substitutes executing or holding any place or office within this country, shall demand, take and receive of or from any person or persons whatsoever, any summe or summes of tobacco, money or other goods by pretence or colour. of his or their place or office. or for

any busines he or they shall not really doe, over and above what is allowed him or them by the acts and orders of assembly, and be thereof lawfully convict, shall pay unto the party greived as aforesaid forty pounds of tobacco for every pound soe wrongfully taken and received as aforesaid, any custome or usage to the contrary notwithstanding. *Provided nevertheless* that if there be any other matter or thing which the clerkes of the generall courts or county courts, or any other officer or minister as aforesaid shall performe or doe, not mentioned, or for which no fees are ascertained in the acts or orders of assembly, that then it shall be lawfull and the respective courts are hereby impowered and authorized to sett and ascertaine the same, and that the fee soe ascertained may be demanded, taken and received accordingly. And whereas the honourable secretary or his clerke under him do demand take and receive eighty pounds of tobacco for every severall parcell of land granted by pattent although the said severall parcells of land be all included in one pattent, *Bee it therefore enacted* that eighty pounds of tobacco onely bee paid or received for the whole in time to come, under the pennaltie last before recited, and that neither the honourable secretary, the clerkes of the county courts, nor any sherriff nor coroner, except onely the sherriff of James City county for the time being, shall from and after the first day of August next, be allowed either in the publike or countie levies for any service by them done in or about their said respective offices for the publike or generall service of their counties, any lawe usage or custom to the contrary notwithstanding. *And be it further enacted*, that wheresoever in any county within this country, there shall happen the occasion to use a coroner, then and in such cases the next justice of the peace shall, and hereby is required and authorized to execute that office and performe the same ex-officio, and that forasmuch as the county courts are answerable for the actions of the respective clerkes, that it be declared by the authoritie of this grand assembly that it is an inherent and unquestionable right belonging to the said county courts to nominate, appoint place and displace their clerkes as they see cause.

Provided, that the court may allow for services not specified by law

Abuses in the secretary's office.

Fee for severall parcels of land in one patent ascertained.

No allowance to certain officers for public services

Justice may officiate as coroner.

County courts may appoint & displace clerks at their pleasure.

ACT VI.

Edit. 1733 and
1752.

Preamble.

Election of
12 vestrymen,
once in every 3
years, to be by
freeholders &
freemen.

When.

Church war-
dens to give
notice of elec-
tion.

An act for chooseing of Vestries.

WHEREAS the long continuance of vestries in severall parishes in the country is presented a greivance, for remedy whereof for the future, *Bee it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof*, that it shall and may be lawfull at any time after publication hereof, for the freeholders and freemen of every parish within this country by the majoritie of votes to elect and make choice of (if they see fitt) certaine freeholders or substantiall householders to the number of twelve within their respective parishes, which said twelve shall be and hereby are constituted the vestrie of the parish, where they are soe chosen to order, regulate and mannage the parochiall affaires thereof, and such election of a vestrie to be made in Easter weeke, and once in every three yeares, and that the churchwardens for the time being, make publication two Lords dayes next immediately before the day of election to the intent the people may meet at the church to that end and purpose.

ACT VII.

Edit. 1733 and
1752.

Act of 1670
forbid'd'g free-
men to vote for
burgesses, repe'd & they to
vote as former-
ly, together
with freehold-
ers and house-
keepers.

An act enabling freemen to vote for burgesses and preventing false returnes of burgesses.

BEE it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof, that the act of assembly made in the 22d yeare of his majesties reigne that now is, which forbids freemen to have votes in the election of burgesses be repealed, and that they may be admitted together with the freeholders and housekeepers to vote as formerly in such elections. And whereas the frequent false returnes of sherriffs upon writts for election of burgesses, have caused great disturbances and endangered much the peace of his majesty and quiett of his subjects, for prevention whereof for the future. *Bee it further enacted by the authority aforesaid*, that if any

sherriff within this country shall at any time after publication hereof make false returne of any burghess or burghesses, and be thereof legally convict, shall be fined and pay twentie thousand pounds of tobacco to the use of the countie, and tenn thousand pounds of tobacco to the partie greived, together with all costs and damages.

Penalty for making false returns of burghesses.

ACT VIII.

An act for representatives to vote with the justices at Levie Courts, and makeing bye lawes.

Edit. 1733 and 1752.

WHEREAS the justices of the county courts of this country have accustomedly sett and annually laid a rate or sessment upon the people of their counties, in and under the name of their countie levie, and whereas it hath been suspected by divers persons that under colour thereof many sums have bin raised in divers counties, for the interest of particular persons to the prejudice of the said counties, for prevention whereof, and of any suspicion that may be raised of any such abuses for the time to come, *Bee it enacted by the governour, councill and burghesses of this grand assembly, and by the authority thereof,* that some of the discreetest and ableest of the inhabitants of each county, equal in number to the number of justices appointed by the right honourable, the governour for the said countie be yearly chosen as their representatives, vizt. for each parish a like number to be chosen by majoritie of votes of householders, freeholders and firemen of each parish, to that end and by the churchwardens for the time being of every parish appointed to meete at some convenient place and time in September, which said representatives, together with the justices aforesaid, are to meet at the usual place for laying the levie, and are hereby authorised and impowered to have equal votes with them, the said justices in laying the countie assessments, and of making wholesome by lawes for the good of their counties.

Preamble, reciting abuses committed by justices in laying the county levy.

Representatives to be chosen in each parish to act with the justices in lay'g the county levy & making by-laws.

ACT IX.

Edit. 1733 and 1752. *An act for countie courts to appoint their collectors and disabling counsellours to vote in countie courts.*

County courts to app'nt their own collectors of levies and pub. dues imposed on the county

No member of the council to vote with the justices.

WHEREAS the county courts are answerable for all publique dues within their counties, *Be it enacted by the governour, councill and burgesses of this grand assembly and by authoritie of the same*, that each county court have power and authoritie to appoint such person or persons as they shall think fit to bee collectour or collectours of all publique and countie levies and dues that shall be imposed upon their counties, and that none of the gentlemen of the honourable councill sitt to vote or determine any matter or cause whatsoever amongst the justices in the said county courts, any usage or custome to the contrary notwithstanding, for that the said honourable persons are not answerable for any of the county courts actions.

ACT X.

Edit. 1733 and 1752. *An act for limiting Sherriffs, &c. a time to demand the levies and for tenders to be made them.*

Preamble.

The act limiting the time of demanding debts extended to sherriffs & collectors.

Public & county debtors entitled to privilege of tendering tobacco.

Duty of sherriffs seizing a hogshhead of tobacco.

WHEREAS sundry persons have bin and still are lyable to bee prejudiced by remissness of sherriffs and collectors of the publique dues, who often take disadvantageous times in demanding and receiving their said dues, *Be it enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof*, that the 80th act of assembly of the printed laws, limiting a certain time when creditors shall demand their debts shall be interpreted and holden to extend to sherriffs and other collectors of the country dues, and that the publique or county debtors have all the benefit and libertie of the second act of assembly, which admitts tenders of tobacco, according to the intent, meaning and purport thereof, *Be it further enacted*, that in case of collecting the publique or other dues, any sherriff or collector at any time seize more tobacco then is there due, that they shall immediately satisfie the partie or else take his or their just due out of the hogshhead.

ACT XI.

Two Justices of the Quorum to signe probates, &c.

Edit. 1733 and 1752.

Preamble.

WHEREAS by the 64th act of assembly in the printed laws, the county courts are authorised to grant probates and administrations on estates of intestates, which probates and administrations are usually signed by the right honourable sir William Berkeley, knight, governour, &c. *It is now thought fitt, and be it enacted, by the governour, councill and burgesses of this grand assembly, and by the authoritie of the same,* that it shall and may be lawful for any two justices of the quorum in their respective counties, to signe such probates and letters of administration for the future, *provided that the certificates be sent to Mr. Secretaries office as is provided by that law.*

Two justices to sign probates, as well as the gov'r.

Certificates to be sent to secretary's office.



ACT XII.

Councillors and Ministers families to pay levies, and money allowed them.

Edit. 1733 and 1752.

FOR the greater ease of the country and defraying general charges thereof, *Bee it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof,* that the 55th act of the printed laws soe farr as it relates to the honourable councill of state and ministers, bee and hereby is repealed, and that for the future the persons of the councill and all others of their families be liable to pay levies, and that in lieu and stead thereof the tithables herein and by this act taken off, and the honourable persons be allowed out of the impost of two shillings per hoghead, one hundred pounds yearly, more than hath usually bin allowed them, and that the said one hundred pounds, together with the former allowance of money, be distributed by the right honourable the governour amongst such of those gentlemen of the councill as attend at the generall courts and assemblies, and that the person of every minister bee exempted from paying levies, but all other tithable persons in his familie shall bee liable to pay levies. and that five pound out of the im-

Act exempt'g councillors, & ministers, and their families from payment of levies, repealed.

Additional salary to councillors—together with former, to be paid according to their attendance.

Persons of ministers exempted from levies.

Five pounds allowed the minister who officiates at the general court and assembly.

Governor's family, except the freemen therein, exempted; also such indigent persons as the county courts may exempt.

post afforesaid be allowed and paid each generall court or assembly to such one minister as the governour shall appoint to officiate at those times, and further that the familie of the right honourable the governour, exceptinge the freemen therein, be excluded from paying publique and countie levies, as alsoe all such indigent people, as the countie court shall see fitt to excuse and leave out of their lists of tithables.

ACT XIII.

Edit. 1733 and 1752.

The act allowing 200 lb. tob. for each wolf killed, repealed; & county courts to give a rew'd at their discretion.

An act altering the encouragement for killing wolves.

WHEREAS it is represented that there is much inequallitie in the present allowance for killing wolves, *BEE it enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof,* that the law for allowing two hundred pounds of tobacco for every wolves head bee repealed, and that it bee left to the county courts by their by laws to give what encouragement they shall see fitt for killing wolves in their respective counties.

ACT XIV.

Edit. 1733 and 1752.

Additional damages for trespasses committed by horses, into lands lawfully fenced.

Proceedings where owner is not known.

An act for the further prevention of mischief from unrulie horses.

BEE it enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof, that if any horse, mare or gelding, be found trespassing within another persons enclosure, lawfully fenced, the owner thereof shall pay to the owner of such enclosure, one hundred pounds of tobacco for every time soe found trespassing, and all other damages allowed by any former act in such case provided, and if it shall happen that the owner of such horse, mare or gelding be unknowne, the party endamaged as aforesaid shall put a with about such horse, mare or geldings neck, enter the description of the same in the countie court, and after twelve monthes and a day make use thereof until the owner be knowne, and

make his right appear, who shall thereupon have his horse, mare or gelding delivered unto him, he paying the damages and charge of keeping the same.

ACT XV.

An act against exportation of corne.

Edi. 1733 and 1752.

BEE it enacted that the late act prohibiting the exportation of corne be continued untill the last day of the next session of assembly.

Act prohibiting exportat'n of corn further continued.

ACT XVI.

An act for the suppressing of ordinaries.

Edi. 1733 and 1752.

Preamble.

WHEREAS it is most apparently found that the many ordinaries in severall parts of the country are very prejudiciall, and this assembly finde the same to be a generall greivance presented from most of the counties, *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie of the same,* that no ordinaries, ale houses, or other tipling houses whatsoever, by any the inhabitants of this country, be kept in any part of the country except it bee in James Citty, and at each side of Yorke river, at the two great ferries of that river; *Provided,* and it is hereby intended that those at the ferries of Yorke river as aforesaid, be admitted in their said ordinaries to sell and utter man's meate, horsemeate, beer and syder, but no other strong drinke whatsoever; and that all other ordinaries, ale houses and tipling houses whatsoever, in the country, (except as before excepted) be utterly suppressed, and whosoever shall presume to sell any sorte of drunke or liquor whatsoever by retail, under any colour, pretence, dilusion or subtile evasion whatsoever to be drunke or spent in his or their house or houses, or upon his or their plantation or plantations, from and after the tenth day of September next, and be thereof lawfully convicted, shall pay to the informer for each time hee shall see offend. and bee thereof lawfully convicted as afore-

All ordinaries, alehouses and tipling houses suppress'd, except at particular places;

and they not to sell spirituous liquors.

Penalty for evading this act

said, one thousand pounds of tobacco, wherein no wager of lawe shall be admitted or allowed, any act, law, usage or custome to the contrary notwithstanding.

ACT XVII.

Edit. 1733 and
1752.

An act limmitting the bounds of James Cittie.

Limits of Jas.
City defined.

Burgess, how
chosen for.

Inhabitants
may make by-
laws.

BEE it enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie of the same, that the bounds of James Cittie include the whole island as farr as Sandy Bay, and that from henceforth the burgess or burgesses that shall be hereafter chosen to serve for the said Cittie be elected by the majoritie of votes of the housekeepers, freeholders and freemen, as are at the time of such election listed within the bounds aforesaid, and soe liable to pay levies there, and by none other, any custome or usage to the contrary notwithstanding; and further, that the householders and freeholders have full power, and hereby be authorised, between this and the next assembly to make such good and convenient by laws as they shall think fit, provided that the said by laws intrench not upon the privileges of James City county or any other county in the country.

ACT XVIII.

Edit. 1733 and
1752.

An act repealing lawcs concerning Accomack and Northampton.

Appeals allow-
ed from Acco-
mack & North-
ampton.

BEE it enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof, that all lawes prohibiting appeals from the counties of Northampton and Accomack, soe farr forth as it relates to the said counties be repealed, and that appeals from the county courts of Northampton and Accomack aforesaid be open.

ACT XIX.

An act of general pardon and oblivion.

Edit. 1783 and 1752.

Preamble.

HIS Majesties most honourable governour of this collony of Virginia, out of a hearty and pious desire to put an end to all suites and controversies, that by occasion of the late distractions have arisen, or may arise between any the inhabitants under his government aforesaid, and to the intent that noe crime whatsoever already committed shall hereafter rise in judgment, or be brought in question against either of them in their lives, liberties, estates, or to the prejudice of their reputations by any reproach or tearm of distinction, and to bury all seeds of future discord and remembrance of any thing whereby they may be obnoxious to any paines or pennalties whatsoever is pleased it may be enacted, and *bee it enacted by the said honorable governour, the honorable councill of state and burgesses of this grand assembly.* that all, and all manner of treasons, misprision of treasons, murders, felonies, offences, crimes, contempts and misdemeanors, councelled, commanded, acted or done since the first day of March last past, untill the four and twentieth day of June by any person or persons in this government be pardoned, released, indemnified, discharged and put in utter oblivion, and that all and every person acting, adviseing, assisting, abetting and councelling the same, they, their heires, executors and administrators be, and are hereby pardoned, released, acquitted and indemnified discharged from the same, and of and from all paignes of death and other paines, judgments, indictments, convictions, attainders, outlawries, penalties, escheates and forfeitures therefore had or given, or that might accrue for the same, which are hereby declared and enacted to be wholly null and voyde, and that this free pardon indemnitie and oblivion shall be as good and effectuall in lawe to every inhabitant of this country, as if they and every of them had been perticularly and plainly named, rehearsed and specified, and alsoe pardoned by express words and names in their kiudes, natures and qualities by words and termes thereunto requisite to have bin putt in and expressed in this present act of indemnity free pardon

All treasons, murders, &c. committed between the 1st of March and 25th of June pardoned

Not to release penalties for breaches of the law concern'g Indian trade.

and oblivion. *Provided nevertheless* that this act nor any thing therein contained shall not extend to pardon or indemnifie any person or persons whatsoever, of or from any fines, forfeitures, paines, punishments, judgments, condemnations, sentences and decrees accruing, ariseing, had, past and obtained thereupon by reason of the breach of any lawe prohibiting trade or commerce with Indians, or relating in any sorte to the Indian trade, but that they and every of them from all benefit and advantage of this act by reason of the premisses be utterly barred and excluded.

ACT XX.

Ed. 1733 and 1752.

An act disabling Edward Hill and John Stith to beare office.

Preamble, reciting that col. Hill & col. Stith created misunderstandings between the governor and people; and were the cause of oppressive taxes, &c

WHEREAS it is notoriously manifest that Edward Hill, commonly called Lt. coll. Hill, and John Stith, commonly called Lt. Stith, both of the parish of Westover, in the countie of Charles Cittie, have bin the greatest instruments and occasion of raiseing, promoteing and stirring up the late differences and misunderstandings that have happened between the honourable governour and his majesties good and loyal subjects, the inhabitants of Charles City aforesaid and Henrico counties, and in moveing, provoaking and occationing those greivous complaints which have justly been made against the illegal and unjust burthensome taxes which for divers yeares last past by the art, skill and cunning of the said Hill and Stith, or one of them, and by advantage of their being publique majestrates, officers or ministers for their private ends and gaine imposed and raised on his majesties said subjects of Charles City county, *Bee it enacted, and it is hereby enacted by the honourable governour, councill and burgesses in the present generall assembly assembled, and by the authoritie thereof,* that all commissions, grants, concessions or elections, whereby the said Edward Hill and John Stith have, or claim to have any office of authoritie, either civill or military in the said parish of Westover, or county of Charles City be from henceforth null and voide to all intents and purposes

They disqualified from any office, civil or military

whatsoever. *And further be it enacted, and it is hereby enacted by the authoritie aforesaid, that the said Hill and Stith, and either of them be from henceforth utterly excluded, debarred and made incapable of haveing, useing, exerciseing or enjoying or to have, use, exercise or enjoy any office of trust, judicature or proffit, or any other office either civill or millitary whatsoever within the countye of Charles Citty, at any time hereafter for ever.*

Signed by Sir WILLIAM BERKELEY, *Govr.*
THOMAS GODWIN, *Speaker.*

(Note to edit. 1733 & 1752.)

All the acts and orders of this assembly by his most sacred majesties instructions and proclamation to all intents and purposes, are made voide, null and repealed, and also by the fourth act of assembly bearing date at Green Spring, February the 20th, Ao. 1676-7.

(Note to Ch. Cit. and P. Rand. MSS.)

GRAND ASSEMBLY,

BEGUNN AT GREEN SPRING

Sir W. Berkeley,
Gov. governor.

THE 20TH DAY OF FEBRUARY, ANNO DNI. 1676-7,
ANNOQ. REGNI R^S. CAROL. SCDI. XXIXth, &c.

To the high pleasure of Almighty God, and to the public weale of this his majesties colony of Virginia, were enacted as followeth :

ACT I.

An act of indemnitic and free pardon.

Purvis 197 and
Edi. 1733 and
1752.

(Repealed by
proclamation
July 8th 1680.)

Preamble, re-
citing the late
revolution of
Bacon :

THE Kings most excellent majestie takeing into his gracious and serious consideration, that Nathaniel Bacon, junr. late of this colony, decd. with diverse other ill disposed persons, his complices and adherents had raised a rebellion and levyed warre against his sacred majestie in this his said plantation, being graciously inclined and willing to extend his royall compassion to such of his subjects here, as had acted and beene guilty of, or should act in or be guilty of the said warre and rebellion, and sencible and repenting of their said disloyalty and disobedience to his

Various Readings.

* The commencement as well as the acts of this session taken from the Northb. MS.—In the *Ch. City & P. Rand.* MSS. the commencement is ‘ At a GRAND ASSEMBLY, begunne at *Green Spring*, the 20th day of February, in the twentie ninth yeare of the reigne of our most gracious soveraigne lord Charles the second, over England, Scotland, France and Ireland, king, defender of the faith, &c.—In the edi. 1733 and 1752. ‘ At a GRAND ASSEMBLY begun at *Green Spring*, the twentieth day of February, in the twenty ninth yeare of the reign of our soveraign lord Charles the second, by the grace of God, of England, Scotland, France and Ireland, king, defender of the faith, &c. Annoq. Domini 1676.’ In Purvis it is stated to be 1676-7, which is the true date. See note to the end of acts of last session

said majestie and government, and would humbly implore his majesties grace and mercy by returning to their duty and obedience, did thinke fit to give and grant unto Sir William Berkeley, Knight, his majesties governour of Virginia, his gracious letters pattents under the greate seale of England, bearing date the tenth day of October, 1676, with full power and authority to his said governour for his said majestie and in his name to pardon, release and forgive unto all such of his said majesties subjects (other then the said Nathaniel Bacon) as his said governour should thinke fitt and convenient for his said majesties service, all treasons, felonies, crimes, or misdemeanors by them or any of them committed, acted, or done, or which should be committed, acted or done by them or any of them, during or relating to the said warre and rebellion, with full restitution to the persons, soe by the said governour to be pardoned, their heires, executors and administrators of their estates as well reall as personall. And whereas his said majestie by his said letters pattents, did further declare that his will and pleasure was, that all and every such pardon and pardons by his said governor to be granted pursuant to the power and authority given unto his said governour by his said letters pattents should be to all intents and purposes as good and effectuell in law, and should be pleadable and allowable in all his majesties courts before all and by all his majesties subjects, magesrates, and officers whatsoever, in as full and ample manner as if the same had bene granted by his said majestie, and had imediately passed under the great seale of England as by the said fore recited letters pattent (relation being thereunto had) may more fully and at large appeare. Now upon the humble petition of the house of burgesses, the right honourable the governour having taken just and serious consideration of the premises, and to the intent of the greate and many troubles, discords and warres that have arrisen in Virginia by the said rebellion, and that divers of his majesties sub-

and the king's letters patent, to Sir William Berkeley, 10th of Oct. 1676, for granting pardons.

Various Readings.

* The running title of the acts of this session in ed. 1733 & 1752, is, 'Anno vicesimo nono Caroli secundi regis.'

jects by occasion thereof, and other wayes are fallen into and are thereby obnoxious, to greate and deserved paines and penalties out of an earnest and pious desire to put and end to all quarrells and disturbances whatsoever, that by occasion of the late and sad destruction have arrisen, or may arise betweene all or any of his majesties subjects, and to the intent that noe crime whatsoever comitted against his said majestie or government shall hereafter rise in judgment, or be brought in question against any of them to the least damage to them, either in their lives, libertyes, estates or the prejudice of their reputation, by any reproach or terme of distinction, and to bury all seeds of future discords or remembrances thereof, as well in his majesties owne breast, as in the breasts of his majesties subjects, one towards another, and in the performance to the said governours compliance to a petition made to him from this assembly for his said majesties pardon, and according to a proclamation in that behalfe made and published by his said governour according to the tenor and contents of the aforementioned recited letters pattents, *Bee it hereby enacted by the governour, councill and burgesses of this grand assembly, and it is hereby enacted*; first, that all manner of treasons, misprissions of treasons, murthers, fiellonies, offences, crimes, contempts and misdemeanors, counselled, comitted, acted or done since the first day of Aprill, Anno Domini 1676, by any person or persons before the twentyeth day of this instant, february, other then the persons hereafter by name excepted, in such manner as they are hereafter excepted, by vertue or colour of any command, power, authority, comission, warrant or instructions from the said governour, Sir William Berkeley, or of or from any other person or persons whatsoever, deriveing or pretending to be derived mediately or imediately from the grand assembly in Virginia, held in June last, or of or from any convention or meeting assumeing the name of power of any assembly, or of or from any power, authority or comission whatsoever from the aforesaid Nathaniell Bacon, junr. late deceased, assumeing the authority, or reputed to be commander in cheife of all the forces in Virginia (by land or sea) or by any pretence warrant or command whatsoever from him, them, or any of them.

All treasons, murders, &c. since the 1st of Apr. 1676 pardoned, except as hereafter excepted.

or from any other person or persons whatsoever deriving, or pretending to derive authority from them or any of them, be pardoned, released, and indemnified and discharged, and put in utter oblivion, &c.

And it is further enacted by the authority of the said present assembly, and be it enacted by the authority aforesaid, that this said free pardon of indemnity and oblivion shall be as good and effectually in the law to every of his majesties said subjects, in, for, and against all things which be not hereafter in this present act excepted, and foreprized as the said pardon indemnity and oblivion should have beene of all offences, contempts, forfeitures, causes, matters, suites, quarrells, judgments, executions, penalties and all other things not heretofore in this present act excepted and foreprized, had beene perticularly and plainly named and expressed, and alsoe pardoned by expresse words and termes in their natures, kinds and qualities requisite to have beene put in and expressed in this act of free pardon and indemnity and oblivion, notwithstanding the not nameing the perticular persons by their proper names and christian names, and surnames, places of abode, and additions whatsoever. And it is further enacted by the authority aforesaid, that all and every the person and persons acting, advising, assisting, abetting and counselling the same, they, their heires, executors and administrators, (except as is before and hereafter excepted) be, and are hereby pardoned, released, acquitted, indemnified and discharged from the same, and from all paines of death and other paines, judgments, indictments, convictions, attainders, outlawries, penalties, escheates, forfeitures therefore had or given, or that might accrue for the same, and that all and every person and persons, their and every of their heires, executors and administrators shall have and enjoy all and every of their lands, tenements, hereditaments, goods, chattles, and other things forfeited, which doe or shall to his majestie appertaine, by reason of any offence herein before mentioned, and not hereafter in this present act excepted and foreprized. Provided always, and it is the true intent and meaning of these presents, that this present act of pardon, indemnity and oblivion, nor any thing therein contained shall give noe other benefitt whatsoever unto

To be as effectual as if the parties were particularly named.

And to extend to aiders, abettors, &c.

Nath'l Bacon, the younger, & others, dec'd excepted from the benefits of this act.

Nathaniell Bacon the younger, Edmund Cheesman and William Hunt, who were principall actors in the said rebellion, and are deceased, nor to Thomas Hansford, Tho. Wilsford, Wm. Carver, Wm. Drummond, James Crewes, John Johnson, George Harloe, Thos. Younge, Thomas Hall, Henry Page, James Wilson, John Baptista, William Cookson and John Digby, nor any or either of them who were alsoe great ayders and assisters in the said rebellion, and were taken in open armes, and before the country was settled were tryed and deservedly adjudged to death by the right honourable the governour and a councill of warre, and accordingly executed, nor to William West or John Turner who were alsoe taken in open rebellion, and accordingly tryed by a councill of warre, and adjudged to death, but before execution broke prison and are escaped, nor to William Rookins, who was taken in open rebellion, and accordingly tryed by a councill of warre and adjudged to death, but before execution dyed in prison, nor to Richard Lawrence, Thomas Whaley and John North, who were principall actors in the said rebellion, and are fled from justice, not daring to abide their tryall, all which aforesaid persons were notorious actors and abettors in the aforesaid horrid rebellion against the kings majestie, but that they and every of them and their estates, reall and personall, shalbe, and are out of this present act excepted and foreprized, according to an act of this assembly for that purpose passed this present assembly, and alsoe except out of this present act Giles Bland, Anthony Arnold, Rich farmer, Richard Pomfrey, John Iles, Robert Jones, Robert Stokes, John Whittson and William Scarborough who were all lately legally convicted for horrid treasons and rebellions against his most sacred majestie, and all accordingly executed, (but Robert Jones,) which said severall persons and their estates are alsoe out of this present act wholly excepted and foreprized. *Provided alsoe* that this act nor any thing therein contained shall extend to give any other benefit to Thomas Goodrich, senr. Benjamin Goodrich, Robert Holden, Thomas Gordon, Stephen Mannering, John Taylor, Anthony Hamilton, Richard Barton, Joseph Hardidge, and all those that were in the garrison in armes against the kings majestie and his governour and government here. with the said Barton and Har-

also certain persons who were executed;

and certain others who escaped.

Certain other pers's excepted from pardon, for the reasons expressed.

didge, and did not willingly and readily surrender up themselves when they were summoned thereto by captain Thomas Powell, nor to Richard Thomson, Dominick Rice, John Bagwell, William Potts, John Richens, Arther Long, Thomas Lushington, Robert Weekes, Charles Death, John Lawson, John Browne and Mathew Sadler, who were all notorious actors in the said rebellion, but that they and every of them shall suffer and undergo such paines, penalties and punishments not extending to life, as by an act or severall acts of the said present grand assembly, or by order or orders, awards or judgments of the right honourable the governour and councill already hath passed, or shall for that purpose passe, nor to James Lanquaster who being an active rebell, was taken in armes and committed to prison in the height of the rebellion, and upon his submission and takeing the oath of allegiance, was by the right honourable the governour pardoned and released, and after that entered himselfe a souldier under the command of major Robert Beverley, and soone after run a way from his coullers and became an active rebell, and is since fled and escaped not daring to abide a legall tryall.

Provided alsoe that Sarah Grindon, the wife (and was the attorney of Thomas Grindon) and Edward Phelps, who were greate encouragers and assisters in the late horrid rebellion, shall have noe other benefitt of this present act, but are and shalbe lyable to suffer and pay such paines, penalties and forfeitures, not extending to life, as by the next grand assembly, or upon a legall tryall before the right honourable the governour and councill shalbe thought fitt and convenient. *Provided further*, and it is the true intent and meaning of this present act, that this act nor any thing therein contained shall extend to pardon any of the persons whatsoever, who for their horrid rebellions deserved death, but by the mercy of the right honourable the governour and councill are banished out of this country, but the said persons and every of them are to departe out of the said government according to the order of banishment, and soe accordingly remaine, any thing in this act to the contrary thereof in any wise notwithstanding. *Provided likewise*, and it is the true intent and meaning of this present act, that this act

Sarah Grindon & Edw. Phelps excepted from pardon.

Those banished, excepted from the benefit of this act

Act of pardon
not to extend
to those who
were in com-
mand when
West's Point
surrendered.

nor any thing therein contained shall extend or be construed to extend, to give any other benefit to Joseph Ingram, George Walklett, George Milner, and John Lawson, nor any other person or persons whatsoever (although they be not particularly named by their proper names or sir names in this act) that did beare any command in the service of the rebels during the tyme of the rebellion, and were in armes as commanders at the tyme when *West's point* was surrendered, but that they and every of them be forever barred from bearing any office civill or military within this country, as is provided by an act of this present grand assembly, nor to restore any person or persons, any parte of his or their estates that was taken from them for their rebellion, or being ayders or assisters in the same, which was taken by order of the right honourable the governour, or by vertue of any lawfull comission by him granted, nor to pardon or remitt any fine or fines, any person or persons were fined by his majesties governour and counsell since the first setting of this assembly for any offences comitted. *Provided* that this act nor any thing therein contained shall extend, or be any wise construed to give any benefit or pardon to any person or persons that were in the late rebellion and displundered any loyall person or persons of his or their estates, or any parte thereof, or that gave command for the same, or being comander of any party, bore, or assumed any cheife comand and was present and in the house or place when such plundering was made and goods taken, or removed or that comanded or assumed any comand over any party or guards, which have taken, killed and destroyed any the stocks, cattle, sheepe, hoggs or other provisions of any of the loyall party or any parte of them, for the expence, use or provision of the said party or guard, or for their owne private expence, or hath destroyed and consumed by fire any of the houses or other goods of any loyall persons, or comanded the same to be done, or beene present and active in doeing the same; but that the said persons, and every of them soe suffering and endamaged, are left to take their remedy at law against any person or persons that have soe injured them, any thing in this act to the contrary thereof in any wise notwithstanding, nor to give any benefit to any servants who were

Nor to such as
plundered any
loyalist;

or destroyed
any of their
stock of cat-
tle, &c.

or burnt any of
their houses;

or commanded
it to be done;

nor servants;

ayders and assisters in the said rebellion, and by an act of this assembly are adjudged to make good the losse of tyme and damages done to their masters (or others) by leaveing their masters service and imbezeling goods, or otherwise damaginge their masters or others, but that they shalbe lyable to make good such damages as by the said act of assembly for that purpose shalbe provided. *And it is alsoe provided* that notwithstanding this act, or any thing therein contayned, all such person and persons who for being actors in the late horrid rebellion, shall by the right honourable the governour, or such person or persons as shalbe by him authorized in the severall countyes of this colony be demanded to give security for their good behaviour according to his sacred majesties proclamation, shalbe enforced to give such security, and performe the matters enjoyned by the said proclamation. and the governours proclamation thereupon, any thing in this act to the contrary notwithstanding.

Nor to prevent those of whom security for good behavior may be required from giving the same.

ACT II.

An act of attainder, &c.

WHEREAS Nathaniel Bacon the younger, haveing by many false and wicked pretences drawn to his party, many other wicked and desolute persons within this his majesties collony of Virginia, and haveing together with some other his desperate accomplices plotted and contrived the ruine of this his majesties country, and to draw and persuade many of his most sacred majesties subjects from their due allegiance and obedience to his majestie, and the government under him established, under which this collony hath bin soe long happy and flourished, in order to which plotts and contrivances, the said Nathaniel Bacon junior, and his desperate accomplices in a most traitorous and rebellious manner, haveing putt themselves in armes and under pretence of the said Indian warr by threats and menaces of killing and destroying the whole grand assembly, haveing by force procured a commission to make the said Nathaniel Bacon generall for the said Indian warr, did in prosecution of

Purvis 198 and Edit. 1733 and 1752.

(Repealed by proclamation July, 8th 1680.) Preamble, reciting the course pursued by Bacon.

the said traitorous and rebellious plotts themselves contrive and take most traiterous and rebellious oathes against and contrary to their allegiance to his most sacred majestie and with their armed men, and otherwayes did inforce many of his majesties subjects to take the same traiterous and rebellious oathes, and proceeded with his said armed complices to the seizing and imprisoning many of his majesties loyall subjects, and threatening his majesties governour and many of his loyall subjects with death, soe as they were inforced to departe from their habitations, whereupon the said Nathaniell Bacon did with the said wicked ayders and assisters, robb and dispoile many of his majesties subjects of their estates, and murdered and killed many of them; in the height of their monstrous rebellion, it pleased Almighty God of his infinite mercy and goodnes to this poore country, by a just and most exemplary death to take the said Nathaniell Bacon out of this world,* and his said wicked accomplices still continueing their said treasons and rebellions against his sacred majestie, did prosecute the said rebellion, destroying their estates and endeavouring to kill and destroy many his majesties loyall subjects, untill God Almighty, by his infinite mercy and goodnesse was pleased soe to blesse the just endeavours of the right honourable Sir William Berkeley, his majesties governour of this colony, and the loyall party under his comand, that the said traitors and rebels were reduced to their allegiance, and enforced to submit to

Dth of Bacon,

* The death of *Bacon* has never been satisfactorily accounted for. The total absence of any circumstantial detail of that event, especially in a character so conspicuous, has given rise to a conjecture that *he*, and *Cheesman* and *Hunt*, two of the principals who seem to have shared the same fate, fell by the hands of some assassin employed by the government.

That the family of *Bacon* was respectable appears from the high offices which had been held in Virginia by those of his name, for many years, prior to his death; and that he himself was a man of no inconsiderable fortune, may be inferred from a perusal of the case of *Jason v. Elizabeth Jervis, widow, and others*, reported in 1 *Vern* 284. After *Bacon's* death, his widow intermarried with one *Jervis*, who appears also to have been dead when the above suit was brought before the high court of chancery in England.—The subject in controversy was a contract for land, in England, sold by *Bacon* for £ 1200 sterling, which, at that period, would be deemed a valuable estate. See 1 *Vern*. 284, *Railby's* edition.

the right and good government established by his most sacred majestie. *And whereas* the said Nathaniell Bacon the younger died in open rebellion against his most sacred majestie, and Edmund Cheesman a principall ayder and abetter with the said Nathaniell Bacon in the said rebellion, being taken in armes and brought prisoner dyed before his tryall, and William Hunt, another principal ayder and abetter of the said Nathaniell Bacon, dyed alsoe before the rebells were reduced to their allegiance to his majestie by which said meanes the said Nathaniell Bacon, junr. Edmund Cheesman and William Hunt have escaped their due and just demeritts for their wicked and unheard of treasons and rebellions; *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly, and the authoritie thereof;* that the said Nathaniell Bacon, junr. Edmund Cheesman and William Hunt, and every and either of them shall by vertue of this act be adjudged to be convicted and attainted of high treason to all intents and purposes, as if they and every of them had been attainted respectively in their lives. *And whereas* alsoe Thomas Hansford, Thomas Wilsford, William Carver, Wm. Drummond, James Crewes, John Johnson, George farloe, Thomas Hall, Thomas Young, Henry Page, James Wilson, John Baptista, William Cookson and John Digby, all notorious actors and confederates with the said Nathaniell Bacon, junr. in the said rebellions and treasons, and endeavoured to continue the same after his death, who were some of them taken in the height of, and all of them taken in open rebellion against the kings majestie, and were all of them tryed found guilty, and deservedly adjudged to death by the right honourable the governour and a councill of warie of the cheife commanders of the country, which sentance for their said treasons and rebellions against his sacred majestie accordingly executed upon them and every of them. *And be it further enacted by the authority aforesaid,* that the said Thomas Hansford, Thomas Wilsford, William Carver, William Drummond, James Crewes, John Johnson, George farloe, Thomas Hall, Thomas Young, Henry Page, James Wilson, John Baptista, William Cookson and John Digby, and every or either of them, shalby vertue of this act be adjudged to be

Cheesman.

and Hunt.

and their attainer of high treason after their deaths

Certain other persons condemn'd to d'th and executed,

& attainted of high treason

Two others
condemned to
death but es-
caped,

attainted of
high treason.

Another con-
dem'd to d'th
but died in pri-
son,

attainted of
high treason.

Three others
who fled,

attainted of
high treason.

Estates, real &
personal, of all
those attaint'd,
forfeited;

convicted and attainted of high treason to all intents and purposes. And that William West and John Turner, two notorious actors and confederates with the said Nathaniell Bacon, junr. in the said wicked treasons and rebellions, and endeavoured to continue the same after his death, and were taken in open rebellion against his most sacred majestie, and for such their treasons and rebellions, before the right honourable the governour and a councill of warr, were tryed, found guilty and deservedly adjudged to death, but before justice was executed upon them, they made their escapes out of prison and are fled; *Bee it therefore further enacted by the authority aforesaid*, that the said William West and John Turner, and either of them shall by vertue of this act stand, and be adjudged to be convicted and attainted of high treason to all intents and purposes. And whereas William Rookins, a very notorious actor and confederate with the said Nathaniell Bacon in the said rebellions and treasons, and endeavouring to continue the same after his death, was taken in open rebellion against his most sacred majestie, and for such his treasons and rebellions before the right honourable the governour and a councill of warr, was tryed, found guilty and deservedly adjudged to suffer death, but before justice was executed upon him, he the said William Rookins dyed in prison; *Bee it therefore enacted by the authority aforesaid*, that the said William Rookins shall by vertue of this act be adjudged to be convicted and attainted of high treason to all intents and purposes. And whereas Richard Lawrence, Thomas Whaley and John fforth, three of the most notorious ayders and assistants of the said Nathaniell Bacon in the said horrid rebellions and treasons, and three of the principall actors in continueing of the same, are fled from justice, not daring to abide a legall tryall; *Bee it further enacted by the authority aforesaid*, that the said Richard Lawrence, Thomas Whaley and John fforth, and either of them, shall by vertue of this act be adjudged to be convicted and attainted of high treason to all intents and purposes, and that all and every the messuages, lands, tenements, rents, remainders, interests and all other the hereditaments, chattles, reall goods, debts and other principall estate, and other things of that

nature whatsoever that be of them the said Nathaniell Bacon, juar. Edmund Cheesman, William Hunt, Thomas Hansford, Thomas Wilsford, William Carver, William Drummond, James Crewes, John Johnson, George Harloe, Thomas Hall, Thomas Younge, Henry Page, James Willson, John Baptista, William Cookson, William West, John Turner, John Digby, William Rookins, Richard Lawrence, Thomas Whaley and John forth, which they or either of them, or any other person or persons to their or any of their uses or interests, for them or either of them were seized or possessed of the first day of October last past, or at any time since, shall stand and be forfeited to the kings most sacred majestie, his heires and successors, and shalbe deemed vested, and adjudged to be in the actuall and reall possession of the kings majestie without any office or inquisition thereof hereafter to be taken or found. *Provided* always, and it is the true intent and meaning of the act, that the severall estates of the severall persons herein mentioned to be convicted and stand attainted of high treason, shall only be inventoried and security taken that the same shall not be imbezelled, and upon such security, the said estates nor any parte thereof shall not be removed, but shall remaine and be in the hands of the person or persons now possessing the same untill the kings majesties further pleasure shall be signified therein.

& vested in the crown, with't office or inquisition.

But their estates only to be inventoried & security given not to embezle them till the king's pleasure be known.

ACT III.

An act inflicting paines and penalties upon greate offenders.

Purvis 198 and Edi. 1733 and 1752.

WHEREAS severall presedents of parliament in the 13th yeare of his majesties raigne, that now is shew and sett forth severall fines, forfeitures and punishments inflicted on severall notorious offenders in the late horrid rebellion in England, not extending to life, and whereas the severall persons hereafter named, have been highly guilty of treason and rebellion against his most sacred majestie, for which they most justly deserved death, and forfeitures of goods, yett because mercy is acceptable to Almighty God, and alsoe that

(Repealed by proclamation July 8th 1680)

Preamble.

Singular punishment inflicted on certain persons, viz—to ask pardon of the gov'r and coun'l on their knees, with a rope ab't their necks, &c.

such greate and hainous crimes may not passe altogether unpunished, and upon the humble supplication of the house of burgesses; *Be it enacted by the governour, councill and burgesses of this grand assembly, and the authority thereof*, that coll. Thomas Goodrich doe with a rope about his neck, on his knees, begg his life of the governour and councill, and in the like posture acknowledge his crimes of rebellion and treason in Rappahanock county court, and that he be fined to the kings majestie fifty thousand pounds of merchantable tobacco and caske, to be paid upon or before the twentyeth day of January next, and upon failer of such payment to be levyed by distresse or otherwise, and that he be committed to safe prison, and there remaine untill he procure good security for his fcture good behaviour towards his sacred majestie, and all other his majesties leige people, and for payment of his said fine.

And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that Thomas Gordon, on his bended knees, before the right honourable the governour and councill, with a rope about his neck acknowledge his treasons and rebellious and beg his life, and in the like manner acknowledge his crimes in Rappahanocke court, and that he be comitted to safe prison untill he procure good security for his future good behaviour, and that he be, and the said Thomas Gordon is hereby for ever made uncapable of officiateing any the ministerial functions in any parish within this colony. *And be it further enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted*, that John Taylor and John Richius havinge beene notoriously active in the late horrid rebellion, be, and hereby stand banished out of this country, according to such sentence of banishment as shall be adjudged against them, and either of them by the right honourable the governour and councill, and pronounced by the right honourable the governour. *And be it further hereby enacted, and it is hereby enacted by this present grand assembly, and the authority thereof*, that Anthony Hartland on his bended knees before the right honourable the governour and councill with a rope about his neck, acknow-

Certain persons banished.

Another to beg his life on his knees, with a rope about his neck.

edge his treasons and rebellions, and begg his life, and in the like posture acknowledge his said crimes at the county court of Surry and Charles Citty, and be committed to safe prison, and their remaine untill he shall procure good security for his future good behaviour towards the kings majestie and all his leige people, and that he be fined to the kings majesties use five thousand pounds of merchantable tobacco and caske to be paid the twentyeth day of January next, and upon failer to be levyed by distresse or otherwayes. *And be it further enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted, that Stephen Mannering, Richard Barton, Joseph Hardidge and all those that were in the garrison with the said Hardidge and Barton, and that did not willingly and readily surrender themselves to their due allegiance when they were summoned by captain Thomas Yowell that they and every of them doe upon their bended knees, with ropes about their necks, acknowledge their treasons and rebellions in Westmerland county court, and that they and every of them be committed to safe prison untill they shall procure good security for their future good behaviour. And be it further enacted by this present grand assembly and by the authority thereof, and it is hereby enacted, that Richard Tomson and Dominick Rice, and either of them doe upon their bended knees, with ropes about their necks, acknowledge their treasons and rebellions in Northumberland county court, and be committed to safe prison untill they shall procure good security for their future good behaviour. And be it further enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted, that John Bagwell and William Potts, and either of them doe upon their bended knees, with ropes about their necks acknowledge their treasons and rebellions in Rappahauocke county court, and be committed to safe prison untill they shall procure good security for their future good behaviour. And further be it enacted by this present grand assembly and by the authority thereof, that Arthur Long of Surry county doe upon his bended knees, with a rope about his necke acknowledge his treasons and rebellions before the right honourable the governour and councill, and begg pardon for his life, and that in like*

Others to acknowledge their treasons in the same posture.

manner he doe acknowledge his crimes in the county court of Surry, and that he be committed to safe prison untill he shall give good security for his future good behaviour. *And be it further enacted by this present grand assembly, and by the authority thereof,* that Robert Holden be fined five thousand pounds of merchantable tobacco and caske to the kings majesties use, to be paid the twentyeth day of January next, and that he be committed to safe prison untill he shall give bond with sufficient security for his future good behaviour, and for true payment of his said fine.

ACT IV.

Edi. 1733, 1752
and 1769.

*An act declaring all the acts, orders and proceedings of a grand assembly held att James Citty, in the month of June, 1676, voyd, null and repealed.**

Purvis 198.

Preamble.

WHEREAS Nathaniell Bacon the younger, in the month of June, 1676, whilst the governour, counsell and burgesses were mett, and convened together, at a grand assembly to consult the greate concerne of the country, did enter James Citty in a rebellious manner with a considerable number of armed men, to the number of six hundred or thereabouts, environing and beseiging the governour and counsell and burgesses, and offering force and violence to them, and every of them, threatening them with sudden death if they would not grant his unreasonable, unlawfull, rebellious and treasonable demands, and by his threats and offered violence did obtaine to himselfe whatsoever he soe

Various Readings.

* In the Northumb. MS. at the end of act III. are these words 'Copia Test ROBERT BEVERLEY Cl Ass' and this act is numbered I under the following commencement, purporting to be that of a new session, 'Att a GRAND ASSEMBLY beginning att Greene Spring February the 20th Anno Dni 1677, Annoq Regni Rs Carol Sedi XXIX;' and the remaining acts are numbered from 1 to 17, progressively. But in the *Ch. City & P. Rand.* MSS. and edi. 1733 & 1752, this act is numbered IV, as a continuation of those of February, 1676-7; which arrangement is here pursued. Between the first of January and 25th of March, it was so common at that period to confound the dates of the year, that no reliance can be placed on them. See vol 1, pa. 393, 434

unlawfully demanded. *And whereas* the kings most excellent majestie by his gracious proclamation, and the right honourable the governour by his proclamation published hath long since declared all the proceedings of the said assembly to be voyd in law; *Bee it therefore enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that all acts, orders and proceedings of the said grand assembly be repealed and made null and voyd.

All acts & orders of June 1676 repealed

ACT V.

An act for the reliefe of such loyall persons as have suffered losse by the late rebels.

Purvis 199 and Edi. 1733 and 1752.

WHEREAS severall horses, sloopes, boates, armes, servants, slaves, and other goods during the tyme of the late horrid rebellion, hath been seized, taken away, and unlawfully plundered from severall of his majesties good and lawfull subjects by the rebels in armes and actuall rebellion, and by divers others the ayders, abettors and complices of the said rebellion, and by them converted to their owne use, or imbezelled, hidden, sould or given away, or lost in the custody, possession or keeping of others to their owne use, or used to the greate hindrance, losse, hurt and damage of his majesties leige people, the severall owners thereof; *Bee it declared and enacted, and it is declared and enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof,* that every person and persons whatsoever, that have any such goods in their possession, either by takeing, seizing or plundering the same themselves from the loyall party, or that have beene taken and sould to them by any of the said rebels or their complices, their ayders or abettors, or by them, or any of them, left in their hands possession or keeping, that they and every of them respectively, in whose hands soever such horses, sloopes, boates, armes, servants, slaves or other goods unlawfully taken, and put into their hands as aforesaid either now are or hereafter shalbe, doe three severall court dayes following in the severall and respective counties, where they re-

(Repealed by proclamation July 6th 1680.)

Preamble.

Every person hav'g any property in possession belonging to loyalists to put up a descript'n thereof at the court-house.

side put up at the courthouse in faire writing, a publication thereof intimateing the markes, quantities, and qualities of all and every such horse and horses, sloopes, boates, armes, servants, slaves or other goods, to the end the right owner may have notice thereof and clayme the same, or that they forthwith deliver the same to the right owners. And for the better discovery of the owners thereof, the severall clerkes of each county court, be enjoyned to take a lyst or inventory of all such horses, sloopes, boates, armes, servants, slaves, or other goods, and the persons names who have them in possession, and transmitt the same to the clerke of the next generall court, to be sett up and published at the next generall court, and whosoever shall fayle, and shall not make delivery to the owners, or shall not make such publication as is aforesaid of all and every such horses, sloopes, boates, armes, servants, slaves, or other goods which they have or shall have in their possession, and which were soe taken as is before recited, the persons soe sayling or concealing such horse or horses, sloopes, boates, armes, servants, slaves or other goods to the value of two shillings shall be held deemed and arraigned guilty of felony and punished as felons. *And be it further enacted by the authority aforesaid,* that whatsoever horse or horses, sloopes, boates, armes, servants, slaves, cattle, sheepe, hoggs, goods or merchandizes, have beene at any tyme taken away, seized, plundered or removed from any of his majesties loyall subjects by any person already executed, or which shall be executed for treasons, that all and every such horse and horses, sloopes, boates, armes, servants, slaves, cattle, sheepe, hoggs, goods or other merchandizes shalbe restored to the true owners, or the value thereof recoverable from the estates of such convicts. *And be it further enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof,* that whatsoever horses, armes, horse furniture, sloopes or boates, any person or persons which being in the right honourable the governours service have taken from any of those that were in actuall rebellion and hostility against the kings majestie and his lawfull governour here in Virginia, and doe properly belonge to such as have continued loyall, that the same be restored to the owners

Clerk of county to transmit a list to clerk of gen'l court.

Persons fail'g deemed guilty of felony.

Estates of those executed for treason liable for property of loyallists which had been taken by them.

Property tak'n in the war belonging to loyallists, to be restored :

or in case of refuseuall, that the owners have their actions at law against the possessor for the same, and in case of delivery to the right owner, or recovery at law of such horse or horses, armes, horse furniture, sloop or boate, or any one or more of them, that a certificate be given by some one justice of the peace to the person who delivered up the same, or from whome the same shall be recovered at law, intimating the value thereof when delivered or recovered, which being returned to the next assembly, care shall be taken for his or their reward soe delivering up to the right owner, such horse or horses, armes, horse furniture, sloop or boate or which shall by law be adjudged to the right owner.

And whereas severall persons creditors to such who have for their late rebellion and treason beene justly arraigned, convicted and executed, and may yett be arraigned, convicted and executed, have made humble suite to this grand assembly, that they may recover and receive out of the said convicts estate, such debts as were justly due unto them from such person and persons before the commission of such crimes, rebellions and treasons, on which they already are, or hereafter shall be convicted, *Be it therefore enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted,* that all loyall persons whatsoever may recover and receive out of the estate of all such persons already convicted their just debts due to them from any such person before the commission of such crime, rebellion or treason, for which they already or hereafter shall be convicted, any law, custome, grant or usage to the contrary notwithstanding. And it is most humbly hoped his majestie will graciously please to ratifye and confirme this law for the encouragement of his subjects, and ease of their greate sufferings. *And be it further enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof, and it is hereby enacted* that all persons that have assumed any title or command in this late most horrid rebellion, or that have excepted any command, or was eminent in giving councill or advice, or have beene eminently, ayding, assisting or encouraging the said rebellion, that all and every such person and persons be, and are hereby made for ever hereafter incapable of beareing any office, civill or military within

& the possessor indemnified by the assembly.

Loyalists may recover their debts of the estates of those convicted and executed.

Person, who held any command, or aided in the late war, declared incapable of any office, except that of a constable or surveyor of a high-way;

Except those who returned to their duty; but this exception not benefit cert'n persons.

Any justice of peace, getting drunk on court day, to be fin'd and removed from office.

Fines on ministers for getting drunk, swearing or committ'g fornication.

this colony other then the office of a constable or surveyor of the high wayes, excepting such who by their tyme returne to their duty and allegiance have assisted in the suppression of the said rebellion. *Provided alsoe*, that this exception shall not extend to include Joseph Ingram, Gregory Walklett and George Millner, nor any person nor persons whatsoever that did beare any command in the said rebellion at the tyme when *Westpoint* was surrendered; but that they and every of them herein nominated, meant or intended, be for ever hereafter utterly uncapable of bearing any office civill or military, other then constable or surveyor of the high wayes. And for the punishment of vice and prevention of evill example for the tyme to come; *Be it further enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted*, that whatsoever justice of the peace shall become soe notoriously scandalous upon court dayes at the court house, to be soe farre overtaken in drinke that by reason thereof he shalbe adjudged by the justices, holding court to be uncapable of that high office, and place of trust proper and inherent in a justice of peace, shall for his first such offence be fined five hundred pounds of tobacco and caske, and for his second such offence be fined one thousand pounds of tobacco and caske, for his third such offence be fined two thousand pounds of tobacco and caske, and shall alsoe loose and forfeite his place and office of a justice, and his commission taken from him, and that all such fines be to the use of the county. *And be it further enacted by this grand assembly, and by the authority thereof*, that such ministers as shall become notoriously scandalous by drinkingnesse, swearing, flornication or other haynous and crying sins, and shall be thereof lawfully convict, shall for every such their haynous crime and wickednesse, the first time forfeite to the parish or parishes wherein he or they soe offending shalbe benificed, the one halfe of one yeares sallary and dues, and the same for a second tyme he shalbe convicted, and if any minister officiating in any parish shalbe three tymes convicted of any such haynous crime and wickednesse before mentioned, that he be forever hereafter made uncapable of officiating in any office or ministeriall function in any parish in this co-

lony. And for the prevention of seditious and scandalous libells, the usuall fore runners of tumult and rebellion. *See it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that* if any person or persons, not being a women covert shall presume to speake, write, disperse or publish by words, writeing or otherwise, any matter or thing tending to rebellion, or in favour of the late rebels or rebellion, and shall thereof be lawfully convict, then such persons for the first such offence shall be fined one thousand pounds of tobacco and caske, and stand upon the pillory two howers with capitall letters of their crimes affixed on their foreheads or brest, and for such second offence pay double the fine and stand in the pillory two howres with capitall letters of their crimes fixed as aforesaid, and for the third such offence be prosecuted as a rebell and a tratour to his most sacred majestie. And if any woman covert that comitt such offence as is before recited, then to be whipped on the bare back with twenty lashes, for the first offence, and for the second offence thirty lashes, except she can redeeme herselfe from the said corporall punishments by payment of the fine or fines before mentioned, for such first and second offences. *And be it further enacted, that* if any woman under covert shall a third tyme comitt such offence, to be prosecuted against as a rebell and traytor to his most sacred majestie. And whereas it hath beene frequent for rude and ill disposed persons to contemne and revile authority and magistrates, as well in words as in actions; *See it therefore enacted by this present grand assembly, and by the authority thereof, that* all and every person and persons that shall from the tyme to come presume to speake and utter mutinous or contemptuous words, or shall by any wayes or meanes abuse the right honourable the governour or any of the councill, justices of the peace or commissioned militia officers, and shall be thereof lawfully convict, shall for his such offence, if against the right honourable the governour, be whipped on the bare back with thirty lashes, or pay eight hundred pounds of tobacco and caske, if against any of the honourable councill, that then he shall be whipped on the bare back with twenty fowre lashes, or pay six hundred pounds of tobacco and caske, and if

Penalty for speaking or writing, tending to rebellion.

On a feme covert

Penalty for speaking or writing disrespectfully of those in authority;

of the governour;

of a councillor;

of a justice or
field officer.

Penalty for 3d
offence.

Justice to en-
force this law.

To assemble
with arms, to
the number of
five, deemed
riot & mutiny.

against any justice of the peace or comissionate feild officer, then to be whipped on the bare back with twenty lashes, or pay fowre hundred pounds of tobacco and caske, and the like for such second offence, being likewise thereof lawfully convict. And if any person or persons, male or female, shall be convicted a third tyme of such mutany or contemptuous or villifying words writeing or otherwise, abuseing or scanduliseing the right honourable the governour or any of the honourable councill or any justice of the peace or comissionated militia ffield officer, then to be whipped on the bare back with thirty nine lashes, and stand in the pillowry two howers, or pay double the before recited fines, all which said fines as aforesaid shalbe and belong the one halfe to the informer, if he shall sue for the same, and the other halfe to the county, where the offending party then dwells or resides, which said fines to be levyed by distresse or otherwise, and collected or destrayned for by the sherrisse or collector for the publike and county levyes. *And be it further hereby enacted* that the justices of every respective county court be, and are hereby impowered, enjoyned, and obleiged to put this law into effectuall execution upon the penalty of paying double such fines and forfeitures herein meant and intended for every such offence in case they shall refuse, or neglect to put this law into effectuall execution. *And* whereas by a branch of an act of assembly made in March last, liberty is granted to all persons to carry their armes wheresoever they goe, which liberty hath beene found to be very prejudiciall to the peace and wellfaire of this colony. *Be it therefore further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that if any person or persons shall, from and after publication of this act, presume to assemble together in armes to the number of five or upwards without being legally called together, that for such convention, or assembling together in armes the number of ffive or upwards, they be held deemed and adjudged as riotous and mutinous, and that they be proceeded against and punished accordingly.

ACT VI.

An act for ascertaining the price of cockquetts.

Edit. 1733 and 1752.

Purvis 200

WHEREAS complaint hath beene made to this assembly that for tymes past there hath beene usually taken and received severall and diverse summes of money from the inhabitants of and traders in this country under the notion of cockquett money in some places one penny per hogshead, and in some places twelve pence for every cocquett, or severall bills of ladeing for tobacco shipped, or divers and sundry markes in one bill of ladeing, and that there hath hitherto beene no law or act of assembly for the same. *Be it therefore enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof, and it hereby is enacted, that from and after publication thereof, the rate and price for every cocquett be as followeth: one halfe penny the hogshead for all such quantiytes or parcells as shalbe contained in one bill of loading or entry which shall not exceed the number of twenty hogsheads and twelve pence for every cocquett, for all such quantiytes as shalbe contained in one bill of loading or entry which shall exceed the number of twenty hogsheads, and noe more shall be taken for each cocquett, although different markes shalbe mentioned and conteyned in one and the same entry or bill of loading. And be it further enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted, that the acts of assembly made in the yeare 1661-2, the acts made in the yeare 1666 and 1669, which allows the impost money of two shillings per hogshead to such owners as dwell and reside in Virginia, be from henceforth repealed, excepting only to such owners of such ships or vessells as already hath beene built, or shall hereafter be built in Virginia, and shall wholly belong (bona fide) to owners resideing in this colony. Provided always that such ships as now are within the capes, and are wholly belonging to Virginia owners, bee for this present voyage free from paying the said impost according to the intent and meaning of the afore recyted acts. And be it further enacted, that for the tyme to come there be noe fees taken for vessells built in this colony, and wholly belonging to the inhabitants of this*

Half penny p hhd. for all bills of lading not containing above 20 hhds.

12 pence for every cockquett, in bills of lading exceed'g 20 hhds.

Cert'n acts allowing an impost of 2s. per hhd. to persons residing here repealed.

Proviso.

Furth. proviso.

What fees may be taken for vessells built here, & wholly belonging to inhabitants of Virginia

country other then two shillings six pence for entry. two shillings sixpence for lycense to trade, two shillings six pence for clearing, and two shillings six pence for the bond.

ACT VII.

Edit. 1733 and 1752. *An act lymiting masters dealing with their servants.*

Purvis 201.

Preamble.

No master to contract with his servant but in presence & with the approbation of a justice of the peace.

Penalty.

WHEREAS severall complaints are made that diverse and sundry masters during the tyme of severall their servants servitude, and more especially some small tyme before the expiration of their tyme of service, doe by indirect meanes, make sundry and diverse bargaines and agreements with their servants to their owne unreasonable advantage, and to the servants great injury, hurt, and damage. who because of his coverture is drawne in, and oftentimes necessitated to comply with the averitious, temper and unreasonable desires of such masters; for the prevention whereof for the future, *Bee it enacted by the governour, councill and burgesses of this grand assembly, and by the authority thereof, and it is hereby enacted,* that from and after the publication hereof, it shall not be lawfull for any master of servant or servants, before the tyme of his first service by indenture is expired and fully ended, to make any bargaine or agreement with his servant or servants, either for such servants cloathes, corne or otherwise, except the same be made and confirmed betwixt such master and servant, bargaining and agreeing in the presence of and with the approbation and good likeing of some one or more justices of the peace in the county were such master resides, upon the penalty of forfeiting such tyme of service as shalbe due to the master at the tyme of making such bargaine or otherwise, and in other manner then is herein by this law sett downe, meant, and intended, and alsoe all other agreements contained, conditioned for or concluded in such bargaine or agreement whatsoever.

ACT VIII.

An act lymitting of receipt and payment of Tobaccoe.

Edit. 1738 and
1752.
Purvis 202.

WHEREAS severall persons have beene and still are lyable to be prejudiced by the remissness of sherriffes and collectors of the publike and county levyes, who often take advantageous tymes to demand and receive the publike dues and other collections, for which they may for, or in severall causes make seizure and distresse, for prevention whereof for the future, *be it enacted by this present grand assembly, and by the authority thereof, and it is hereby enacted, that the eightieth act of assembly in the printed booke of acts lymitting a certaine tyme when creditors shall demand their debts, shall be interpreted and holden to extend to sherriffes and other collectors of the publike and county levye, and of all other sherriffes and clerkes fees, and alsoe that the publike and county debtors or for sherriffes or clerkes fees, may have the benefitt or liberty of the second act of assembly, made in the yeare 1668, which admitts of tenders of tobacco to the creditors according to the full intent, meaning, or purport thereof. And be it further enacted by this present grand assembly and the authority thereof, that in case of collecting the publike or county dues or other fees as aforesaid, any sherriffe or collector shall at any tyme make seizure or distresse of more tobaccoes then is at that tyme due from the debtor, that in all such cases the person seizing shall make imediate satisfaction to the party from whome they shall make such seizure, or otherwise that they be allowed to take his overplusse tobaccoe out of the hogshead soe seized, that noe sherriffe or publike collector shall or may from and after the publication of this act presume to make seizure of any hogsheads of tobaccoes before that tyme payd away and marked, if there be at that tyme other merchantable tobaccoes ready in such plantation where such shalbe offered and tendered by the debtor. And be it further enacted by the governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted, that the justices of the peace holding court be by vertue of this act for the tyme to come fully impowred*

80th act in the printed book. (ante pa 104) limitt'g a time to demand tobacco extended to sherriffs & collectors.

Sheriff or collector seizing a hogshead of tob'o for pub. dues, to make immediate paym't to the party of the overplus or permit him to take it out of the hnd.

Not to seize tobacco paid away and marked.

Justices, to appoint collectors.

No person to act as justice & clerk, or sheriff & clerk at the same time.

Clerk may depute high or deputy shff. to enter actions.

Members of council may sit in county courts.

No persons, not natives to hold any office civil or military, till they have resided here 3 years.

Convicts in England or elsewhere for ever disqualified from holding offices.

to comissionate and appoint the respective collector or collectors of the county or of publique levyes. *And* whereas complaint hath beene made, that some tymes one and the same person have offitiated at one and the same tyme in the office of a justice of the peace, and the clerke of the county court, which hath beene found inconvenient, for the prevention whereof for the future, *Bee it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted* that noe person whatsoever shalbe capable at the same tyme of being justice of the peace and clerke of the county court, or of being at one and the same tyme high sherriffe of the county, and county court clerke; and for the greater ease of the inhabitants of this colony. *Bee it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that from and after the publication of this act, it shall and may be lawfull for the county clerke to depute the high sherriffe or under sherriffe of the county to enter such actions as shalbe brought to them or either of them, and that such entryes shall be held good in law. And for the better guide of county courts and more sure administration of justice, *Bee it enacted by this grand assembly, and the authority thereof,* that such of the honourable councill of state as will please at any tyme to sitt in any county court in Virginia, shall and may have equall vote with any justice of the peace of or belonging to the said courts, and that such councillors soe setting with the courts be, by the clerke entered to sitt there and be equally liable and responceible with every other justice of the peace for all such acts or orders of court, he shall at the tyme of such sitting with the court give his vote and assent to. *Bee it further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted* that noe person whatsoever not borne in this colony from and after the publication of this act shalbe capable of bearing any office within this colony of Virginia, whether civill or military, (unles comissionated by his most sacred majestie) before such person have beene dwelling and residing three whole yeares in this his majesties colony. *And be it further enacted by the governor, councill and burgesses of this grand assembly and the authority thereof, and it is hereby enacted,* that all such persons as have beene con-

victed in England or elsewhere, and are either now residing in, or hereafter shall come into this country, bee forever incapable of bearing office, civill or military within this his majesties colony of Virginia; *And be it further enacted by this present grand assembly and by the authority thereof, and it is hereby enacted, that whereas the sixty flourish act of assembly in the printed booke of acts doth empower the county courts to grant probates and letters of administrations, which probats and letters of administration are usually signed by the right honourable the governour, which is not only burthensome to his honour, but inconvenient to the inhabitants, Bee it enacted that from and after the publication hereof, it shall and may be lawfull for any two justices of the quorum in their respective counties to give such probates and letters of administration, and the same soe signed shalbe held and deemed good in law: Provided alwayes that certificates thereof be sent to Mr. Secretaryes office, as is provided by the aforesaid act of assembly.**

Any 2 justices of quo'm may sign probates.

Certificates to be sent to secretary's office.

ACT IX.

An act repealing the acts allowing free tithables to divers persons.

Edit. 1733 and 1752.

WHEREAS by severall acts of assembly it is provided that every respective councellor and tenn of his tithables shalbe free from paying any publique or county levyes, and alsoe that every minister and six tythables for their attendance at James Citty in gene-

Furvis 205.

(See ante page 359; act XII of Bacon's laws.)

* It is remarkable that many of the acts of this session are taken almost verbatim from *Bacon's laws* (see ante p. 354, 359, &c.) a conclusive proof that very great abuses had crept into the government, which those in authority were unwilling to acknowledge; nor had they the magnanimity to give *Bacon* credit for the good he had done. But, on the contrary, after having repealed all the laws passed under his influence, and stigmatized him as a traitor, they selected those which they deemed most valuable, and re-enacted them in the very same words. Just so, the British parliament acted with *Oliver Cromwell*. In the first year after *Charles II.* came to the throne, the celebrated navigation act, which originally passed during the existence of the republic, with many others, were re-enacted, as of the twelfth year of the reign of *Charles II.*; thus considering the time of the republic and *Oliver Cromwell's* protectorship, as a period which never existed, and blotting out every remembrance of that epoch. from their statute book.

Act exempt'g
councillors &
ministers, and
their families
from payment
of levies re-
pealed.

Additional sa-
lary to council-
lors; together
with former to
be paid accord-
ing to attend-
ance.

Five pounds
allowed to the
minister who
officiates at
the gen'l court
and assembly.

Governor and
his serv'ts, the
persons of
councillors &
ministers ex-
empted by
county courts
levy free.

ral court tymes and tymes of assembly be free from paying levyes (which lawes are found unequal and inconvenient) *Be it therefore enacted by the governour, councill and burgesses of this grand assembly and the authority thereof, and it is hereby enacted, that all former lawes relateing thereunto, be henceforth repealed, and that in stead thereof, Be it enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that there be annually paid and allowed out of the moneys arriseing upon impost of two shillings per hogshhead to the councillors attending the severall courts and assemblies, over and besides the two hundred and flitty pounds sterling according to severall acts and orders of assembly annually heretofore paid them one hundred pounds sterling, which together with the said two hundred and flitty pounds sterling, makes in the whole three hundred and flitty pounds sterling, and that all the said three hundred and flitty pounds sterling to be annually paid as aforesaid, shall be distributed and proportioned among the severall councillors attending at generall courts and assemblies according to their attendance at the same proportionally, which distribution and proportioning shalbe annually made by the right honourable the governour to the severall councillors according to their attendance more or lesse at generall courts or assemblies. And be it further enacted by this present grand assembly, and the authority thereof, that there be annually paid out of the said impost money, to such minister or ministers as by the right honourable governour shalbe appointed, and shall attend at generall courts or assemblies five pounds sterling for their attendance for every generall court or assembly they shall attend. and that noe person or persons heretofore tythable by any other law, custome or usage be from henceforth exempted from paying publique or county levyes, the right honourable the governour and his servants excepted, the single persons of every one of the councill, and also all ministers benefited in this colony, and such lame or impotent persons as already are, or shall from tyme to tyme be ordered to be exempted out of the lyst by the county courts wherein they dwell,*

ACT X.

An act Regulating Ordinaries, and the Prices of Liquors.

Edit. 1733 and 1752.

WHEREAS the multiplicity of ordinaryes in this colony is found to be pernicious and hurtfull to the inhabitants, *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly, and by the authoritie thereof, and it is hereby enacted,* that from and after the publication of this act there shall not be admitted, suffered or lycenced above two ordinaryes in any county in this colony at one tyme, except in that county where the generall court shalbe held, and that the power of granting lycences be in the respective county courts, the right honourable the governour being paid for such lycences according to former lawes in such cases, and that noe person be lycensed to keepe ordinary but such as are accompted able, and will enter into sufficient bond to find and provide for travellers good dyett, lodging, and horse meate, and will rate and sell their provisions and liquor to the rates and prices hereafter sett downe and allowed by this law, upon such penalties and forfeitures as shalbe therein provided and inflicted, which said penalytes shalbe and belong, the one halfe to the person or persons who shall informe of and sue for the same, and the other halfe to the county wherein the same shalbe forfeited. *And be it enacted by this present grand assembly and the authority thereof,* that all ordinary keepers selling liquors doe not demand or take more for Virginia drahmes, or strong beer or ale then is sett downe in the act of assembly made in September, 1671, that the rate of perry and syder if boyled be twenty pounds of tobacco per gallon, and if rawe eigheteene pounds of tobacco per gallon, that the price of lodging be three pounds of tobacco per night, that the price of dyett where the generall court or assembly is held be twelve pounds of tobacco each meale, for the master, and eight pounds of tobacco for the servant, and in the country in all other ordinaryes, ten pounds of tobacco each meale for the master, and six pounds of tobacco the servant. That the rate for horse pasture be six pounds of tobacco for one day and night, and if

Purvis 206. (See ant page 361, act XVI Bacon's laws)

But 2 ordinaryes allowed in a county, except where the general court sits. County courts to grant licenses. Gov'rs fees. Who may be licensed.

Rates of liquors.

Lodging. Diet, where gen'l court & assembly sits in the country Horse food : pasturage.

Stableage, housed, for straw and hay eight pounds of tobacco the day and night, and for Indian corne after the rate of forty pounds of tobacco the bushell, and for oates after the rate of sixty pounds of tobacco per bushell.

corn and oats.

Ordinary keepers liable for horses in their charge. Justices to fix rates in *May* & *November*, annually.

Profit allowed. Pen'ty for exceeding legal rates.

For paying them

On courts failing to fix them.

And that all ordinary keepers be, and are hereby enjoyned to secure all horses that they have charge of from running away or being stolen upon the penalty of paying the charge for finding the horse or horses, or paying for them if lost. And that the justices of every county court within this colony be enjoyned in the months of *May* and *November* yearly to meete at their county court house and assess and sett the rate of all such liquors as are not herein mentioned and rated according as the markett price then rates (*a*) for such liquors. And that no ordinary keeper presume to advance or take for such liquors soe by the justices rated above cent per cent profit upon the penalty and forfeiture of tenfold, such exaction and over rates by them demanded and taken. And that all such persons buying and expending at ordinaryes who shall at any tyme pay greate rates and prices then is hereby allowed and sett downe, shall for every such payment forfeite and pay five fold the summe soe overpaid. And that all those county courts neglecting to meete, and asseesse the rates and prices as aforesaid be fined twelve (*b*) thousand of tobacco and caske, all which s'ynes shall come and belong the one halfe to the use of the county wherein such forfeiture is made, and the other halfe to him or them who shall informe and sue for the same.

ACT XI.

568t. 1735 and 1752.
Purvis 208.
(See an.p.314.)
Act imposing a tax on persons cast in a suit, repealed.

An act disposing amercements upon cast actions.

WHEREAS by an act of assembly made in the yeare 1674, it is enacted that certain amercements therein sett downe shalbe paid upon actions cast at law, and that an account of such amercements be returned to the assembly to be by them disposed of.

Various Readings.

(*a*) 'Rules' in Purvis

(*b*) 'Five' in Purvis

Bee it therefore enacted by this present grand assembly, and the authoritie thereof, and it is hereby enacted, that the said act be from henceforth repealed, and that all tobaccoes which have beene received and are become due by reason of the said act of assembly and ameracements bee payd and disposed off to the use of the countyes where the same became due towards the defraying that countyes charge, and that the severall respective county courts inquire into the same and dispose them accordingly.

Tob'o received therefrom to be appropriated by county courts.

ACT XII.

An act concerning servants who were out in rebellion.

Purvis 209 and Edi. 1733 and 1752.

(Repealed by proclamation July 8th 1680.)

WHEREAS many evill disposed servants in these late tymes of horrid rebellion taking advantage of the loosnes and liberty of the tymes, did depart from their service, and followed the rebells in rebellion, wholly neglecting their masters imployment whereby the said masters have suffered great damage and injury. *Bee it therefore enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that all such servants as have joyned with or borne armes under Nath. Bacon, junr. or Joseph Ingram, or any other officer adherents or complices in the late horrid rebellion, be punished for the tyme they have beene absent from, or neglected their masters service according to the ffynes, punishments and forfeitures provided in the severall lawes made against runawayes servants, with such allowance to their masters for their damages susteyned by such their neglect as is provided in the said act or lawes; and that whatsoever any such servant hath taken or plundered from his master or any other person during the tyme of the late horrid rebellion, that he be lyable to be prosecuted for the same when his tyme of service shall expire, the master of such servant haveing the priority of being first paid or satisfied, or such other to whome he shall assigne the right of the same.*

Servants serving under Bacon or Ingram, or others, punishable as runaways.

May be prosecuted after time of service expired, for whatever they plundered

ACT XIII.

Edit. 1733 and
1752.

An act for laying of parish levyes.

Purvis 209.
(See an. p. 357,
act VIII of Ba-
con's laws.)

Representa-
tives to be cho-
sen in each pa-
rish to act with
the vestry in
laying county
levy

Parish failing
to elect or re-
presentat'ns to
attend, vestry
may proceed
without them.

To be chosen
annually.

FOR the better and more equall laying of parish levyes and dues, *Bee it enacted by the governour, councill and burgesses of this grand assembly, and the authority thereof, and it is hereby enacted,* that the freeholders and house keepers in each respective parish within this colony shall and may from and after publication of this present act have liberty to choose six sober discreet housekeepers or freeholders to sitt with the vestry, and have their equall votes with the vestry men at the assessing the parish taxes ; but where the parishes shall either refuse or neglect to choose such men, or being chosen, they shall not appeare, and attend the tyme appointed by the vestry for the assessing the same (haveing had notice thereof by publicati- on at the court or parish church) the vestry to proceed without them. And that there be a day nominated and appointed annually in September by the eldest justice in comission in that parish for such election as aforesaid, and in case noe one justice shall reside in the said parish, then the day to be nominated and ap- pointed by the judge of the court.

ACT XIV

Edit. 1733 and
1752.

An act repealing the act of encouragement for killing Wolves.

Purvis 210.
(See an. p. 362,
act XIII of Ba-
con's laws.

Acts giving re-
wards for kill-
ing wolves re-
pealed, & coun-
ty courts to al-
low rewards at
their discre-
tion

BEE it enacted by the governour, councill and bur- gesses of this grand assembly, and the authority thereof, that all acts giving encouragement for killing of wolves be repealed, and that in place thereof, there be liberty hereby granted to each respective county, to make such lawes for encouragement of killing wolves as they shall thinke fitt.

ACT XV.

An act giving liberty of appeales to the Easterne Shore people.

Edit. 1733 and 1752.

WHEREAS the inhabitants of the Easterne shore have made complaint that the act of assembly prohibiting the inhabitants of the said shore, from appeales to the generall court under the summe of three thousand pounds of tobacco, &c. is greivous to them, and have prayed that the same may be repealed. *Bee it therefore enacted by this present grand assembly and the authority thereof,* that the said act be, and is hereby from henceforth repealed, and that for the future all appeales lye open for the said inhabitants on the Easterne shore, equall with all other the inhabitants of this his majesties colony.

[This act wholly omitted in Purvis.]
Act limiting right of appeal to inhabitants of east'n shore repealed, and they allowed same right of appeal as others.

ACT XVI.

An act, giving seaven yeares tyme to seate ffronteere lands.

Edit. 1733 and 1752.

WHEREAS by reason of the late murthers committed by the barbarous Indians, and which they dayly continue to comitt, and alsoe by reason of their frequent incursions and the late distractions and troubles amongst us, very many the inhabitants of this country, his majesties good and leige people have bene enforced to forsake their plantations and leave their lands uninhabitted, espetially in the ffronteere countyes. *Bee it therefore enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that all lands or tracts of land forsaken and uninhabited by reason of the incursions of the Indians, and the late troubles and destractions amongst us shall not (a) desert by reason of due seating and planting therein, in lesse time than seaven yeares from

Purvis 210.

Preamble.

Lands not to lapse for want of seating, in less than seven yeares from this date

Various Readings.

(a) The word 'lie' is inserted before 'desert' in Purvis; but it is not to be found in the *Northb. Ch. City or P. Band. MSS*

Same time allowed for frontier lands.

the date of this act, and that for the tyme to come seven yeares tyme be allowed from the date of this law for the seating and planting such lands as are already taken up and pattented in the fronteere countyes of this colony.

ACT XVII.

An act for regulating burgesses expences.

Edit. 1733 and 1752.

Purvis 211.

[See an. p. 206, 309, 325.]

WHEREAS by former acts and orders of assembly, it is provided, enacted, and ordered that the allowance to every respective burgesse for his necessary expence and charge in attending at assemblies be for every day, one hundred and fifty pounds of tobacco, over and besides the necessary costs and charges of his coming to and returning from the assembly, and alsoe the unavoyadable cost and necessary charges of his waiting servant and horses is complained of as greivous and burthensome to the people; this assembly haveing taken the same into their serious consideration *doe enact, and be it enacted by the governour, councill and burgesses of this grand assembly and the authority thereof, and it is hereby enacted, that for the tyme to come the allowance to each and every respective burgesse which shall attend any assembly hereafter to be called, be one hundred and twenty pounds of tobacco and caske per day, and the tyme for such allowance to comence and beginne two dayes before the first day of every assembly, and to continue the whole sessions of every assembly, (a) and two dayes after for convenient tyme for every burgesse to returne home; and to prevent the greate charge that may accrue by burgesses coming to assemblies in sloopes and boates; Bee it enacted by this present grand assembly and the authority thereof, that over and above the one hundred and twenty pounds of tobacco per day allowed to each burgesse for his expences there be allowed for the charge*

Burgesses wages for attending assembly, & coming and returning allowing 2 days to return home.

Additional allowance to those coming by water.

Various Readings.

(a) The words 'and to continue the whole sessions of every assembly' omitted in Purvis, but inserted in all the MSS.

of a sloop two men to sayle the said sloop, and their provisions for the two counties of *Northampton* and *Accomack* sixty pounds of tobacco per day and noe more, and that the charge of a boate two men to rowe and their provisions bringing such burgesses as can come noe other way but by water, be thirty six pounds of tobacco per day and noe more, and that the charge for horse hire for such burgesses that comes by laud be tenn pounds of tobacco and caske per day for each horse soe used, and the unavoydable charges and payments for passage by fierryes over the rivers in their coming to assemblies and returning home be alsoe allowed them. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that if emergent occasion shall require that an assembly be called before there are houses of entertainment built, that then those burgesses that must of necessity come by water in sloopes have the same allowance with the *Easterne shore* burgesses, and those other burgesses that must of necessity use boates to bring their provisions and other necessaries, have the aforesaid allowance of thirty six pounds of tobacco per day and noe more, (a) and that for the tyme to come noe expences of comities be allowed of or brought to the publick accompt, &c.

Hire of boats.

Horse hire.

Ferriages.

Allowance to burgess' bringing their provisions by water.

 XVIII.

An act for setting apart a day of humiliation and a day of thanksgiving.

Edit. 1733 and 1752.

WHEREAS the many hainous and crying sins of the inhabitants of this country may justly provoke the anger of Almighty God against us, and drawe downe his judgments upon us uules diverted by a timely and hearty repentance; the governour, councill and burgesses takinge the same into their most serious considerations, *have enacted, and doe by these presents enact,* that the flourish day of *May* next be solemnized and

(This act wholly omitted in Purvis.)

4th day of May a fast day.

Various Readings.

(a) The words 'have the aforesaid allowance of thirty six pounds of tobacco per day and no more,' omitted in Purvis, but inserted in all the MSS.

22d day of August, a day of thanksgiving.

Ministers to read prayers & preach on those days.

sett a part for fasting and prayer to Almighty God for the pardon and remission of our manifold sinns, which already hath and yett may, if not sincerely repented of and forsaken, provoake his divine majestie to inflict his heavy judgments on us. *And be it further enacted*, that the twenty second day of August be sett apart for a publique day of thanksgiving to Almighty God for his greate mercies towards us in delivering us from our late horrid distraction and rebellions, and subdueing the same. *And be it further enacted*, that all ministers be, and are hereby enjoyned to read divine service, and to preach on those severall and respective dayes in ther severall parish churches, &c.

ACT XIX.

Edd. 1733 and 1752.

(This act wholly omitted in Purvis.)
Preamble.

Garratt Johnson naturalized:

and entitled to all the privileges of a natural born Englishman.

An act for naturalization of Garratt Johnson.

WHEREAS at a grand assembly held at James City the twentyeth day of September, in the twenty third yeare of the raigne of our sovereigne Lord the king that now is, and in the yeare of our Lord 1671, *it was enacted and ordained* that any stranger desireing to make this country the place of their constant residence, might upon their petition to the grand assembly, and the takeing the oaths of allegiance and supremacy, be admitted to a naturalization, whereupon Garratt Johnson, an alien, makeing humble suite as aforesaid; *Be it enacted by this present grand assembly and the authority thereof*, that the said Garratt Johnson be, and is by vertue hereof, and the before recited law whereon this is grounded, capable of free traffique and trading of takeing up and purchasing, conveying, deviseing and inheriting of all lands and tenements; and from henceforth be, and hereby is declared deemed and holden, and in all constructions of law stated, vested and indulged with all priviledges, libertyes and immunities whatsoever relateing to this colony that any one naturall borne Englishman is capable of according to the true intent and meaning of the said law, &c.

ACT XX.

An act for opening Courts of Judicature.

WHEREAS by reason of the late and horrid rebellion, all courts of judicature were shutt up, and the right full and due course of justice could not possibly be taken and administred; *Bee it therefore enacted by this present grand assembly and the authority thereof,* that from and after the date of this act, all courts of judicature may be opened, and that the respective justices of the severall county courts doe assemble themselves together and hold courts according to the lawes and according to the usuall manner and custome of this country at the usuall places and dayes appointed by law, or by them accustomed to be held, that justice may againe bee freely exercised and done in all causes where it shall be required.

Edit. 1733 and 1752.

Purvis 213.

All courts of justice to be opened as formerly

Signed by Sir WILLIAM BERKELEY, *Govr.*AUGUSTINE WARNER, *Speaker.**(Note to edit. 1733 & 1752.)*

Copia Test,

ROBERT BEVERLEY, *Cl. Assembly.*

*Att a grand assembly begunne at Greene Spring the 20th of february, Annoq. Regni Regis Caroli Secdi XXIX, Annoq. Dni 1676-7.**

THESE FOLLOWING ORDERS WERE MADE :

WHEREAS it appears that there are severall considerable sums of mony accruing for the castle duty and head mony belonging by former acts of assembly to the severall associations wherein the same accrued due. *It is ordered* that all and every such summe or summes of money already collected, or which shalbe

Money in the hands of collectors, raised from castle duties, & head monies, for building forts, to be returned by the

* These *Orders or Resolutions* are to be found in the Northb. MS. only. They are there dated simply 1677, but they were evidently passed at the session of February, 1676-7, as appears from the *place*, where the assembly was held, this being the only time the assembly sat at Green Spring.

commissioners of association to each county, & distributed towards county charge.

How recovered from collectors

Counties to repay it, when necessary for building forts.

Like distribution in counties of Northampton & Accomack

Commissioners of associations when to meet.

hereafter collected, either for ffort duties or head money be by the comissioners of the severall asso-
tations, with all possible expedition demanded and
received out of the hand of the respective collector
or treasurer of the same, and forthwith distributed in
equall proportion according to the number of tytha-
bles in each county belonging to every asso-
tation, into the hands of the justices of that county, and by
them imediately upon receipt thereof paid away for the
easing and deifraying the county charges, and whatso-
ever collector or treasurers, in whose hands any of the
said mony is now lying, or shall hereafter come, shall
either refuse or delay to be duly accomptable for the
same to the comissioners of the asso-
tation to which it belongs, and to make present payment thereof accord-
ing to the order or direction of the said comissioners
to be accompted and prosecuted as contemnors of au-
thority and lyable to be sued in any court of record for
the same, together with interest and damages to be re-
covered against them for deteyning and holding the
same in their hands contrary to such aforesaid orders.
And that whensoever it shall hereafter be required
that fforts shalbe built, then each county make payment
back to the comissioners of their asso-
tation of all such summe or summes of money as they shall have
received that the same may be employed and made
use of towards the building and maintaining such ffort,
and for the tyme to come whatsoever money shall
arise for ffort duties and head money, and shall not be
expended to the use of the ffort of that asso-
tation, that the same be once every yeare in the months October
or November, proportionably paid to each county for
the use aforesaid. And alsoe that the like distribu-
tion be made in the counties of Northampton and Ac-
comack, and that hereby the comissioners of each re-
spective asso-
tation are enjoyned to meete the two and
twentyeth of May next, at the usuall place of meeting,
there to call for such accompt and make such distribu-
tion as is aforesaid, and if any such commissioners shall
fayle to meete then the number being mett, not lesse
then three are impowred to demand such accompt,
and make such orders and distributions as is aforesaid.

IT is ordered that all persons have hereby liberty to sell armes and ammunition to any of his majesties loyall subjects inhabiting this colony, and that the Indians of the Easterne shore have like and equal liberty of trade or otherwayes with any other our friends and neighbouring Indians.

Armes and ammunition may be sold to any loyall subject. Free trade allowed to Indians of Eastern Shore.

IT is ordered that an accompt of the charge of the warr against the Susquehannah Indians be produced, examined, rated and reasonable charge allowed and borne by the publique.

Charges of war ag^t Susquehannah Indians, to be liquidated, and paid by the public.

IT is ordered that the provisions, armes, ammunition, horses, horse furniture and necessaryes for the Indian warre raised and sent forth by each respective county, by vertue of the acts of assembly made in June last for the first two months be borne and paid by each respective county, and alsoe those northerne souldiers under command of coll. Gyles Brent, who did only serve against the Indians, and did returne to their due allegiance and obedience when coll. Gyles Brent did lay downe his armes and had promise from the northerne gentlemen and magistrates for their pay, be paid by their respective counties.

Provisions, arms, &c. for the Indian war declared by Bacon, to be paid for by the counties; also the northern soldiers under colonei Giles Brent, when he laid down his armes

IT is ordered that all such as were sent burgesses from their severall countyes to the said assembly in June, and have since behaved themselves all along loyall to the king and obedient to his governour, and did not obleige themselves to the people to beare their owne charges, be payd their full salary according to the severall former acts and orders of assembly in such cases.

Burgesses, at the session of June, 1676, who behaved with loyalty to the king, to be paid their expenses.

IT is ordered that for the future all county court clerkes are obleiged (at any tyme when demanded) to give a copy of the lyst of tythables in that county to any housekeeper that shall enquire the same, he paying for the fees twenty pounds of tobacco; and also a

Cl'ks of county courts bound to furnish a list of tithables & county levy to any person desiring it, for a

fee of 20 lb. of tobacco.

copy of the county levy to every house keeper in that county who shall demand the same for the like fee of twenty pounds of tobaccoe.

Ind'n enemies heretofore or hereafter taken in war, to be slaves; and their property free plunder. (See an. p. 345 & post act 1 of 1679.)

IT is ordered that all such souldiers who either already have taken or hereafter shall take prisoners any of our Indian enemies, or any other Indian plunder, and at the tyme of takeing such Indians or Indian goods then were or shall hereafter be under a lawfull comand from due and full authority, that they reteyne and keepe all such Indian slaves* or other Indian goods as they either have taken or hereafter shall take to their owne proper use for their better encouragement to such service.

Records of secretary's office to be removed to his own house, at Rich Neck.

IT is ordered for the present safety of the generall court and secretaryes office records, and for the convenience of the inhabitants of this county to have recourse to them they be removed to, and kept at Mr. Secretaryes house, at *Rich Neck* untill some further orders can be taken for them.

Arms, &c. sent by the king, to remain in the magazine till Mr. Secretary arrives. Those in immediate want to be furnish'd by col. Herbert Jeffryes.

IT is ordered that for as much as the armes and ammunition sent by the kings majestie cannot be disposed of untill Mr. Secretary arrives, that therefore it remaine in the publike magazene at the *Middle plantation* untill the next assembly, and then to be proportioned to every respective county according to their number of tythables, And that such countyes as are in present necessity and want have liberty to adresse themselves to *coll. Herbert Jeffryes*, who hath profer-

* ¶ It appears from the above resolution of the assembly, that the practice of making slaves of Indian prisoners was sanctioned by the government at an earlier period than that which has generally been assigned for it. The first law on the subject passed in June, 1676, during the time of *Bacon*, (see ante page 346;) then followed the above resolution, in February, 1676-7; and lastly the act of April, 1679, which is almost a literal transcript of *Bacon's* law. The first appearance of this law, in print, being in *Purvis*, pa. 235, act 1, of April, 1679, that period had been fixed on as the commencement of the law, though in truth the practice had existed much earlier.

red to furnish our present occasions, and take and receive of him such armes and ammunition as they shall have occasion for upon the countyes accompt, for which armes and ammunition every county soe receiving are to be accomptable to the publique their proportionable part of the same being first deducted and allowed him.

IT is ordered that whatsoever just claymes or debts are yett to be made against the country, and are not already allowed of or determined by this present assembly doe stand and remaine in a generall reference to the next assembly that the same may be examined and allowed of according as they shall appeare due.

Public claims postponed.

IT is ordered that for the future noe claims of debt be admitted in the house or brought to publique accompt but such as are first examined in the county court where they are expended, and made and proved upon oath, and certificate made from that court.

Public claims hereafter to be first allow'd by county courts.

IT is hereby ordered, whereas the state house being now burnt downe by that arch rebell and tratour *Nathaniell Bacon, junr.* and alsoe all the houses in James City, and for as much as *Tindalls point* is supposed and accounted to be the most convenient place for the accomodation of the country ingenerall to meeete att, that therefore the state house for the tyme to come be built at *Tyndalls point*.

State-house & all the houses in James City being burnt, State-house to be rebuilt at Tindall's Point

IT is ordered that every person within this colony being a house keeper who shall entertaine or have resideing in their house any person not well knowne, and hath not beene resideing in the county wherein he then lives, at least nine months imediately before the twentyeth of this instant february be, and stand obleiged upon his perill of being found guilty of entertayning runaway servants, to carry all and every such person soe resideing with him, whether as hired servant, sharer in the crop or otherwise, within one month after publication of this order before some one of the justices of the peace in the county where he lives. and there

Persons hav'g others resid'g in their houses less than nine months, who are not well known, to give a description of them to a justice.

Neglecting, to be punished as for entertain'g runaway servants.

leave a certificate with such magistrate of the discription of such person, his age, statur and complexion, the place from whence he came, and the tyme of his aboade in that county, to the end servants runaway and others fled from debt in those late rebellious tymes be the better found out and discovered, and by that meanes reduced to their service and payment of their just debts, &c.

Proposit'n for dividing the counties on the north side Rappahannock, by lines running from Rappahannock to Potomack;

referred to the people & their representatives to be chosen for that purpose.

WHEREAS it is propounded and desired by the representatives of the northerne counties on the north-side Rappahanock river, that the said neck may be devided into counties by lines runing a crosse from Rappahanock river to Potomack river; *It is ordered* that the people in each county in the whole neck be convened to meet and nominate two such persons as shalbe thought capable for each county to treate and consult about it; *provided* the people shall judge it convenient to have such divsion made, and the person soe nominated, and chosen to meete the twentyeth of June next at capt. Tho. Beales and that the choice of such persons be made in each respective county the 3d Tuesday in May next, &c.

Charges of the late war, in the north'n count's to be borne by the count's between Rappahannock & Potomack, including that part of Rappahannock co'ty lying on the south side of the river.

IT is ordered that the charge of the late riseing in the northerne counties for the surpressing of the late rebellion be proportionably borne by the severall counties in the neck betwixt Rappahanock and Potomack rivers with the additions of the remaining people of Rappahanock county on the south side Rappahanock river according to their severall numbers of tythables, and that the present burgesses for each respective county meete at the house of captain Thomas Beales upon the second Tuesday of August next to bring their charge and proportion the same by the pole as is usuall in such cases, and that according to an order of assembly in such like cases now made, noe accmpt be allowed in that meeting, but such as are plainly and fully proved upon oath, and that in place of major Tho. Hawkins, deceased, coll. Samuell Griffin be added, &c.

Copia Test,

ROBERT BEVERLY, Cl. Assembly.

GRAND ASSEMBLY,

BEGUNNE AT MIDDLE PLANTATION ATT THE HOUSE OF
CAPT. OTHO THORPE THE 10TH DAY OF OCTO-
BER, ANNO DOMINI, 1677, ANNO REGNI
RS. CAROLI SEDI XXIX.

Herbert Jef-
freys, lieute-
nant governor.

ACT I.

*An act imposeing fines upon delinquency in Grand
Juries.*

Edit. 1733 and
1752.

FORASMUCH as the thirty eighth act of assem-
bly in the printed booke directing and comanding that
jryes of inquest be impannelled and sworne in every
county to the ends and purposes therein mentioned, is
by reason there is noe fine sett upon the justices neg-
lecting to appoint and swear the same, nor upon
the jurors not making due inquiry and presentment
according to the true intent and meaning thereof
become generally neglected and unexecuted. *Bee it
enacted by the governour, councill and burgesses of this
present grand assembly, and the authority thereof, and
it is hereby enacted,* that the justices of peace of each
county of Virginia neglecting and omitting ouce every
yeare before or upon the last day of Aprill to make
choise of and swear a jury of inquest according to
the true intent and meaning of the before recited law,
shalbe fined for every such omission two thousand
pounds of tobacco and caske, one halfe to the informer

Purvis 214.

Preamble.

Fine on jus-
tices for neg-
lect'g to swear
a grand jury
ouce a yeare.

Various Readings.

* The commencement, as well as the acts of this session, taken
from Northb. MS. In the edi 1733 & 1752, the commencement is,
“ At a GRAND ASSEMBLY, begun and held at Middle Plantation, at the
“ house of Capt Otho Thorpe, the tenth day of October, 1677; in the
“ twenty-ninth year of the reign of our sovereign lord Charles II,
“ of England, Scotland, France and Ireland, king, defender of the
“ faith, &c.”

For defaults of grand jurors.

and the other halfe to the counties use, and each jury of inquest not making appearance at the tyme appointed in the said law, or not making inquest and presentment according to the true intent and meaning thereof, shalbe fined each jurye man makeing such default, two hundred pounds of tobacco, the one halfe of which fines to be paid to the informer, and the other halfe to the use of the county, for every such default whereof they shalbe lawfully convicted.

ACT II.

Edit. 1738 and 1752.

An act prohibiting private compositions.

Purvis 215.

No compositions to be made for injuries done in Bacon's war, but in open court

FORASMUCH as very many complaints have beene made of the unreasonable compositions made by diverse persons for trespases done in tyme of the late rebellion, for redresse whereof for the future, *Be it enacted by the governour, councill and burgesses of this grand assembly, and the authority thereof, and it is hereby enacted,* that for the tyme to come noe composition shalbe made with any person whatsoever, for any horses, boates, armes, cattle, hoggs, sheepe, goods or any other matter or thing whatsoever, plundered or taken from them in the late rebellion. but such only as shalbe made and acknowledged in open court, and that each court be, and are hereby required to take cognizance of such compositions, and see that they are not oppressive, and whatsoever agreement or composition shalbe otherwise made, or any bill or obligation taken for such compositions to be null and voyd.

How suits for to be brought.

And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that all such persons who for the tyme to come shall bring their suites to any court of record for any trespasse or trespases committed in tyme of the late rebellion shall before their suit shall be admitted ascertaine and prove the whole losse or claime for the trespasse done at that tyme or tymes for which they shall bring such actions, and alsoe give true accounts upon their oathes if the same shalbe required, of what goods have beene returned, what recovered by law.

and what compositions they have made for the same or any part thereof, to the end it may be knowne when such claimes or suites shall have end. And for as much as diverse persons doe frequently notwithstanding the late act of assembly requiring the contrary, renew the breaches, quarrells and heart burning amongst us in use by names and termes of distinction, vizt. tratorous rebell, rogue, rebell or such like, by which meanes it will be impossible ever to unite this colony to its former estate of love and friendship, though wished for, and desired by all good people.

Be it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that whosoever shall presume to use any such aggravations or termes of distinction aforesaid, and shalbe thereof lawfully convict, shall for every such offence forfeite and pay fower hundred pounds of tobacco to the use of the parish where such offence shalbe comitted. And whereas on the otherside diverse insolent persons who have beene deeply concerned in the late rebellion, will and doe notwithstanding their guilt, presuming upon the gracious pardon granted by his majestie with unseemly offensive language, urge and provoke those who have beene loyall and greate sufferers in those late unhappy tymes to utter in their passion such words as otherwaies they would not doe both which being highly injurious and prejudiciall not only to his majesties peace, but alsoe to the desired unity of this colony.

Be it therefore enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that whosoever shall at any time offer such provokeing language to any loyall person whatsoever as shall by the court where the same shalbe complained of, be adjudged a sufficient provocation for retorting bad language, such person useing such provocations be also fined, and pay fower hundred pounds of tobacco and caske to be disposed of by the vestry to the use of the parish where such offence shalbe committed.

Penalty for using opprobrious epithets, as traitor, rebel, rogue, &c.

For using such provokeing language to a loyallist, as may induce him to retort.

* The running title of the acts of this session in edi 1733 & 1752 is, 'Anno vicessimo nono Caroli secundi regis.'

ACT III.

Edit. 1733 and
1752.

An act lycensing trading with Indians.

Purvis 217.

Free trade
permitted with
friendly In-
dians.

Marts or fairs
established;

to continue 40
days.

At what times
and places.

FORASMUCH as the totall prohibition of trading with Indians is experimented and found burthfull and prejudiciall to his majesties colony and the inhabitants thereof; *See it therefore enacted by the governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted,* that all Indians whatsoever being in amity and friendship with us from henceforth shall have free and full liberty to come in amongst us and bring in any comodities whatsoever to the severall places and at the severall tymes hereafter sett downe, and mentioned, and to trade with, sell or truck, for the same with the English, resorting thither. but noe where else for any comodities whatsoever, and that such marts or faires continue forty dayes and noe longer, (that is to say) that the publike marts or faires for James river be the one where the justices of the peace of Henrico county being mett and satt in court, shall appoint and nominate, and the other for the south side of James river to be at the Isle of Wight county court house the begining of which marts or faires at the head of James river to be the first day of Aprill and first day of September every yeare, and the begining of the marts or faires for the south side James river, to be the tenth day of May and the tenth day of November yearely, the place for the mart or faire in Yorke river to be appointed and sett downe by the justices of the peace in New Kent county, being mett and satt in court, the begining of which marte or faire to be yearely the tenth day of Aprill, and the tenth day of September, the place for the marte or faire in Rappahanock river to be appointed and sett downe by the justices of the peace in Lancaster county, being mett and satt in court, the begining of which marte or faire to be yearely the twentyeth day of Aprill and the twentyeth of September, the place for the marte or faire in Potomacke to be appointed and sett downe by the justices of the peace in Stafford county, being mett and satt in court, the begining of which mart or faire be the thirtieth of Aprill and the thirtieth day of Sep-

ember, the place for the marte or faire in Accomack county to be appointed and sett downe by the justices of the peace in that county, being mett and satt in court, the begining of which marte or faire to be yearely the tenth day of March and the tenth of September, the place for the marte or faire in Northampton county to be at that court appointed alsoe, the begining of which marte or faire to be yearely, the tenth day of May and the tenth day of November, and if any of those marts or faires shall happen to fall upon a Sunday, then such marte or faire, which shall soe happen to fall, shall beginn the next day following, and whosoever shall truck, trade or deale with any Indian or Indians whatsoever, at any other tyme or place whatsoever then such as is herein mentioned sett downe and intended, shall forfeite and pay for every such offence five thousand pounds of tobaccoe, the one halfe to the informer, and the other halfe to the use of the publike. *Alwaies provided* that the dues belonging to the governour be reserved as formerly, and to the intent that there may be bookes kept of what is bought and sould, trucked, traded and dealt for in such, and every the respective marts and faires, that the clerke of the county courts where such marts or faires is held, or such other whome the right honourable the governour (for the tyme being) shall appoint be clerke thereof, and take account, and place the same in faire writing in a booke of all whatsoever is bought, sould, trucked, exchanged or traded for, and for his ffee, it shall be lawfull to have, receive and take to himselfe the one twentieth part of all Indian comodities there sould, trucked, traded or dealt for; *Provided alwayes* that it shall and may be lawfull for any Indians wanting corne untill such respective marts or faires at the severall and respective places shall first beginn, but not after that tyme to buy such Indian corne as they shall have need of from any person at any place where they can buy the same, any thing in this act to the contrary notwithstanding; *provided alsoe* that it shall and may be lawfull for the Wiccomico Indians living in Northumberland county, and for the Cheesecake (a) Indians living in Gloucester county to have

Penalty for deal'g with Indians at any other place

Dues to governour to be reserved, Acc'ts to be kept by clerks of co'ty courts or others appointed by governour of what is bo't & sold at such marts or fairs.

Clerk's fee.

Proviso, as to Indian corn.

Proviso, as to cert'n Indians.

(a) 'Chies Lake' in Purvis: 'Chiescake' in *Ch. City & P. Found MSS.*

Ind's to come
to marts or
fairs unarmed.

Not to prevent
entertaining of
Ind's by those
hav'g the gov-
nor's license.

such liberty and rules for their trading with the English as shalbe sett apart, appointed and allowed them by order and appointment of the respective county courts in each county, any thing in this act to the contrary notwithstanding; *provided alsoe* that it shall not be lawfull or permitted any Indian or Indians resorting to or meeting at any those aforesaid marts or faires to travell with or carry armes, or appeare there armed, except only the carrying home such armes or ammunition as they shall then and there purchase, and shalbe found registred in the clarkes booke, for which they shall have with them his certificate; *provided alwayes* and it is the true intent and meaning of this act that noe person or persons shall be liindred from entertaining Indians in their houses who shall have the right honourable the governours lycence soe to doe according to a former law in that case provided, any thing in this act to the contrary notwithstanding.

ACT IV.

Edit. 1733 and
1752.

An act imposing fines on sherriffes concealing tythables.

Purvis 219.

Pen'ty on sherriff's & collectors for receiving tob'o due on concealed tithables, and not account'g for it.

BEE it enacted by the governour, councill and burgeses of this present grand assembly, and the authority thereof, and it is hereby enacted, that whatsoever sherriffe, collector or receiver of the publique or county levy, shalbe found to levy and receive tobaccoe due upon concealed tythables, and shall not give account thereof to the next county court after his such receite or collection of the same, but shall convert or eudeavor (by such concealment) to convert the same to his owne use, and shalbe thereof lawfully convict, shalbe fined and pay the penalties enjoyned in the former acts of assembly for concealed tythables.

ACT V.

Edit. 1733 and
1752.

An act ascertaining the price of double pattents.

Purvis 220.
[See ant. p. 355
Bacon's laws.]

FORASMUCH as diverse persons makeing advantage thereof to themselves, thereby to save the trouble and charge of seating new taken up dividends

of lands, doe customarily add new parts of land to former pattented dividends, *Bee it therefore enacted by the governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted*, that it shall and may be lawfull in such cases for Mr. Secretary to charge and take as his due fee soe many times eighty pounds of tobacco as their are severall tracts of lands in such pattents, but where severall old tracts of land formerly pattented shall be drawne into one new pattent, and noe new lands, not pattented before added thereto, in such cases the fee for such pattent shall not exceed eighty pounds of tobacco.

Fee for each severall tract of land in a patent 80 lb. tobacco; but not to include patents of old surveys

ACT VI.

An act for imposition of two shillings on every 500lbs. of bulke Tobaccoe.

Parvis 220 and Edi. 1733 and 1752.

FORASMUCH as there hath beene considerable quantities of tobacco annually shipped off in bulke, for which noe imposition hath been made, and there being by law an imposition of two shillings upon every hogshead of tobacco shipped out of this colony. *Bee it therefore enacted by the governour, councill and burgesses of this grand assembly and the authority thereof, and it is hereby enacted*, that from henceforward all tobaccoes shipped in bulke shall pay imposition after the rate of two shillings for each five hundred pounds of tobaccoe, and soe for a lesser quantity, the account whereof shalbe required by every respective collector upon oath from the master, purser, boatswaine or other officer belonging to every ship or vessell as he shall see cause.

(See act III of 1680.)

Duty of 2s. per hundred on every 500 lbs. of tobacco shipt in bulk.

ACT VII.

An act for delivery of stray Horses, &c.

WHEREAS at the last assembly it was enacted that all persons that had in their custody any stray horses, armes, boates or plundered goods, should

Parvis 221 and Edit. 1733 and 1752.

(Repeated by proclamation July 8th 1680.)

Further provision for the recovery of property plundered during Bacon's war. (See an p. 381.)

Horses to be fed & not used.

Horses, running in woods, by whom to be taken up.

Compensation for each horse.

give account thereof to the clerke of the county court, who should publish the same three severall court dayes, and if not claymed to returne a lyst thereof to the clerke of the generall court, who alsoe was to publish the same by putting up a lyst thereof at the court doore the better to discover the owners thereof, but this law not having taken the desired effect; *Be it therefore enacted by the governour, councill and burgesses of this grand assembly and the authority thereof, and it is hereby enacted,* that every person or persons haveing in their custody any stray horses or horse, armes, boate or plundered goods of what nature or kind soever they are, and who had not commission or commissions from the right honourable Sir William Berkeley, knight, late governour and captain generall of Virginia during the time of the late rebellion, and in order to, and pursuance of the suppressing thereof, to take, seize and distribute the same, hereby required forthwith upon publication hereof, to bring all and every such horse and horses, boates, armes and plundered goods, meant and intended to be meant in the before recited law, made the last assembly, to the judge of the court where he or they live, and the judge of such court is hereby required to take espetiall care thereof, and in perticuler of all such horses as shalbe brought to him, to provide a good well fenced pasture for them, and if any shall remaine in his custody or care in the winter, that sufficient corne be provided and allowed them, and that such horse or horses be not wrought or ridden by any person whatsoever. And whereas many horses stray and run to the woods, and consequently not in possession of any man, *That it be enacted* that each justice of the peace make enquiry throughout his precincts, by all wayes and meanes possible after such horse or horses, boates, armes or plundered goods, and that such persons as the justice of the peace shall imploye to take such things aforesaid, doe carry the same to the judge of the court of that county who shall pay him for each horse soe delivered to him five shillings sterling or fifty pounds of tobacco, and the owner of such horse or horses shall repay the same to him and shall alsoe pay to such judge of the court twenty shillings or two hundred pounds of tobaccoe in consideration of his trouble and charge for each horse, And that the

said judge be required to returne a lyst of all horses, armes, boates or plundered goods that he hath in his possession to Mr. Secretaries office, where care will be taken to give notice to such county court of all such horses, boates, armes, or plundered goods, and in case noe claymes be made of any the said things within one yeare and a day after such publication, then such horse and horses, armes, boates, or plundered goods be sould at an outcry for the use of the publique and an account thereof returned to the next assembly after such sale. And whereas diverse ill disposed persons make it their busines to ride about the country and take any stray horse without order from any person owner of the same, to the end to agree and compound with the owners for thirty or florty shillings to find the said horse or horses, which perhaps himselfe only has carryed astray; *Bee it therefore further enacted by this present grand assembly and the authority thereof, and it is hereby enacted that noe person or persons whatsoever presume to take any stray horse or horses whatsoever, without perticuler order from the owner thereof, except such person or persons as are or shalbe employed by a justice of the peace in the respective precincts under the penalty of one thousand pounds of tobacco and caske, one halfe to the informer, and the other halfe to the owner of such horse as shalbe soe illegally taken up.*

List of property to be sent by judge to secretary's office. Property not claimed within a year, how disposed of.

None to take up stray horses but those employed by the owner or licensed by a justice.

ACT VIII.

An act restrayning the impresse of tymbber, &c.

Edit. 1733 and 1752.

FORASMUCH as divers complaints have bin made that it hath been heretofore practicall to impresse and take from any mans land such timber trees as those who pretended such power were pleased to take to the greate hurt and damage of such persons owners of the said lands and timber, from whence the same hath bene taken, and contrary to their right and inheritance in and to the said land and tymbber, to the end that noe such abuses and infringements of property for the future be offered and done; *Bee it enacted by the governour, counsell and burgesses of this grand assembly and the authority thereof, and it is hereby enact-*

Purvis 221.

Preamble.

No impress-
ments of tim-
ber to be made
till an agree-
ment with the
owner for the
price, and that
paid or secur-
ed.

Provided, that
if the owner be
unreasonable
in his price, it
may be taken,
being first ap-
praised by two
men.

No person to
impress sloops
boats, arms,
provisions, &c.
without a war-
rant.

To be valued
by 2 men;

ed, that noe person under any pretence of any power or warrant whatsoever that shalbe employed for the tyme to come to procure or presse tymbre for the publike use or other purpose. use, or intent whatsoever shall or may take or presse any tymbre from any mans land whatsoever, before he or they soe impowred, or pretending to be impowred, shall have first made composition and agreement with the owner thereof, for the price of the same, and shall have made ready payment or give sufficient caution for payment according to such composition or agreement upon the penalty of paying for each timber tree soe taken without composition or agreement as aforesaid five pounds sterling according to a former law in such case made and provided. *Provided alwaies* that if the owner of such timber as shalbe wanted for publike uses, shalbe unreasonable in his setting a price thereon, finding the advantage of the necessity thereof to be had and taken for publike uses, that in such cases it shall be lawfull to procure a valuation thereof, to be made by two good and honest men of the neighbourhood upon their corporall oathes, which price being paid, or secured to be paid, shalbe finall and determinative. And forasmuch as greate complaints alsoe have been made to this assembly of diverse injuryes and abuses which have been lately perpetrated by persons employed to presse necessaryes for publike occasions, and alsoe that diverse complaints have beene brought that of late diverse persons have presumed to presse sloopes, boates, carts, horses, &c. without lawfull power soe to doe, to rectifie and prevent the like abuses for tyme to come, *Bece it further enacted by the governour, counsell and burgesses of this grand assembly and the authority thereof, and it is hereby enacted,* that from henceforth noe person whatsoever shall presume to presse any sloop, shallop, boate or other vessell, horses, carts, armes, provisions, goods or merchandizes whatsoever without sufficient warrant, and that such warrant be shewed to such person from whome they are about to presse such sloop, boate, &c. and that whosoever shalby vertue of a legall warrant presse any sloop, shallop or boate or other vessell, shall hereby have power to cause two men of the ablest of the neighbourhood to view and appraise

the such vessell in the best of their judgments to the full value, and alsoe to assertaine the value of the hire threof, either by the day or by the month, and that instruments or writings be drawne intimateing the value and also of the price of the hire by the day or by the month of which a duplicate to be drawne, the one of which is to remaine with the apprizers, and the other parte with the owner or owners of such sloop or boate, &c. and such owner to bring such duplicate or writing to the next county court, where if such sloop, boate, &c. were impressed for the use of that county, then to be paid out of the county levye according to the tenure of the writing or instrument, but if the same were pressed for the use of the publike, then the county court is to returne certificate of such instrument or writing to the next assembly where satisfaction shalbe made according to the tenure of the said instrument or writing, but if it shall soe happen that such sloop, boate, &c. shalbe cast away or lost in the service, that then the owner of such sloop, boate, &c. shalbe at his choice whether he will have the value according to appraisment or otherwaies assertaine in the writing which the publike or county must see punctually payd. And if it shall happen that the publike or county shall have occasion to presse provisions of what kind or nature soever, the impressor is likewise impowred to cause two men of the ablest of the neighbourhood to appraise the same, and returne a note certifying the quantity and price to the next county court, where if impressed for the countyes use, to be paid out of the county levy, and if for the publike use, the county court to returne an account thereof to the next assembly, where full satisfaction shalbe made according to the appraisment. And if the county or publike shall presse any man, that he be payd if betwixt the tenth of September and the tenth of March tenn pounds of tobacco per day, and if betwixt the tenth of March and the tenth of September fiftene pounds of tobacco per day for the first tenn dayes, and if he shalbe continued in such employments more then tenn dayes at a tyme, then for all such tyme as he shall serve above tenn dayes betweene September and March after the rate of two hundred pounds of tobacco per month. And betweene March and September,

and certificate given.

How paid for,

If lost.

Provisions how impressed.

How paid for.

Men, how impressed.

How paid, at different seasons of the year.

Horses im- pressed, three hundred pounds of tobacco per month. And if any horse or horses be impressed by the publique or county, the owner or owners of such horses shall receive fifteene pounds of tobacco per day for the first twenty dayes, and if he shalbe continued longer, then for all the tyme he shall be continued longer then twenty dayes after the rate of tenn pounds of tobacco per day, and before the impressior shall take such horse or horses impressed away, he shall first bring two able men of the neighbourhood to appraise the said horse or horses, and a writing shalbe drawne and signed, intimateing the value; and if such horse or horses be killed in the service or otherwaies lost, it shalbe at the choice of the owner of such horse or horses to receive the value as apprayed or the wages for hire if for the use of the county, to be paid by the county, if for the use of the publique, to be punctually payd upon returning certificate from the county courts as in case of sloopes, &c. And in case any person or persons shall notwithstanding this law presume to impresse or carry away any sloop, boate or other vessell, or any cart, horse, armes, provisions or any other matter or thing whatsoever contrary to the true intent and meaning hereof, shalbe amerced double the value of any such sloop, boate, &c. horses, armes, provisions or any other matter or thing soe by him or them imprest and taken away to the use of the owner of such goods to be recovered by action of trespasse in any court of judicature within this colony.

How paid for.

If kill'd or die.

Pen'ty for im- pressing con- trary to this act.

ACT IX.

An act settling the forme of pattents.

Edit. 1738 and
1752.
Purvis 225.

New form of
patents.

THE honourable Mr. Secretary *Ludwell* having presented a new forme of a pattent exactly agreeing with the new and late charter under the broad seale of England in those following words: "To all to whom, &c. I &c. send &c. whereas his most sacred majestie hath been graciously pleased by his royall letters pattents under the greate seale of England, bearing date at Westminster the tenth day of October, in the twenty eighth yeare of his raigne amongst other

things in his said letters pattents, to continue and confirme the antient priviledges and power of granting fifty acres of land for every person imported into this his majesties colony of Virginia, now knowe yee, that I the said &c. doe with the consent of the councill of state accordingly give and grant unto A. B. &c. *Bee it therefore enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof, and it is hereby enacted, that all pattents shalbe drawne henceforward in the above said forme & words, to the end they may be firme, sure and valid in law.*

ACT X.

An act asserting coroners fees.

FORASMUCH as some doubts have arisen concerning coroners fees in this colony, and it being necessary to declare by a law what the same shall be, *Bee it therefore enacted by the governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted, that a fee for a coroners inquest be thirteene shillings and flowre pence according to the allowance in England in such cases, or one hundred thirty three pounds of tobacco and casque at the choice of the coroner to be paid out of the estate of the person deceased, if such there be, and for want of such estate by the county where the party causing the inquest shall dye, and where there is noe coroner in the county, that the justice of the peace doeing the office shall have the fee.*

Edit. 1733 and 1752.

Purvis 226.
(See an. p. 325, 355.)

Fees of coroner.

Where no coroner, justice to act & have the fee.

ACT XI.

An act declaring the yeare 1676 out of the statute of limitations.

Edit. 1733 and 1752.

FORASMUCH as by reason of the late unhappy rebellion, all judiciary proceedings were impeded and hindred for the greatest parte of the last yeare, being the yeare of our Lord 1676; *Bee it enacted by the*

Purvis 227

The year 1676
not to be com-
puted in the li-
mitation of
time

governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted, that the yeare 1676 shall not be accounted as one yeare included and meant in the statute of lymitation, for payment and demand of debts due by bill, bond or judgments, or in the clause and proviso of pattents for seating of lands, but that in those and such like cases the said yeare of our Lord be passed by and not accounted of, for one of those yeares therein or thereby meant or mentioned.

ACT XII.

Edit. 1733 and
1752.

An act for signing eccutions on judgments in the assembly.

Purvis 227.

Executions on
judgm'ts rendered by the
assembly to be
issued by the
clerk & signed
by the gov'nor.

IT havinge beene proposed in this assembly how and by whome executions issueing upon judgments granted by the grand assembly shall issue and be assigned ; *Bee it enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof, and it is hereby enacted, that all executions issueing upon judgments granted by the grand assembly shall be written and drawne by the clerke of the assembly and signed onely by the right honorable the governour, his honour being the head of the grand assembly.*

HERBERT JEFFREYS.

Test,

ROBERT BEVERLEY, Cl. Assembly.
WILLIAM TRAVERSE, Speaker.

November the 10th, 1677.

The assembly is dissolved.

Test,

ROBERT BEVERLEY, Cl. Assembly.

Att a grand assembly begunne at Middle Plantation the 10th of October, Anno. Dni 1677, Annoq. Regni Rs. Caroli Scdi XXIX.

THESE FOLLOWING ORDERS WERE MADE :

ORDERED that an order made the last assembly (See an.p.406.) for the division of the countyes on the northside Rappahannock river be revived, renewed and altered, vizt.

The burgesses of the northerne countyes on the northside Rappahannock river, as well the last assembly as this, proposeing and desireing in behalfe of the inhabitants of their said counties, that the said neck may be devided into countyes by lines runing a crosse from Rappahannock river to Potomack river; *It is therefore ordered* that the people in each county in the whole neck be convened to meete and nominate two such persons as shall be thought capable for each county to treat, consult, and report thereof to the next assembly, *provided* the people shall judge it convenient to have such division made, and the persons soe nominated and chosen to meete the twentyeth of June next, at the house of captaine Thomas Beale, and that the choice of such persons be made in each respective county for themselves the third Tuesday in May next.

Former resolution respecting the division of the counties between Rappahannock & Potomack revived, & amended.

Report to be made to assembly.

WHEREAS

ORDERED that such accounts as are brought (See an.p.405.) against the publike for prooffe to the county courts, for the tyme to come, that the true costs or full value of all such things as are therein contained, be alsoe made out at the same courts, either by evidence or the oath of the claimer, and the like for all provisions expended for publike use, and such valuation and accounts as shall come soe returned to the assembly shalbe allowed by the publike without abatement, and alsoe just accounts and claimes which comes two late this assembly to be examined by the comittee, and alsoe all such as are yett to be made, stand referred to the examination, and allowance of the next assembly.

How accounts for pub. claims to be proved.

Certain public claims, for horses, arms, &c. postponed.

THE claime of Rappahanock county for horses, armes, &c. concerning the Indian warre is referred to the next assembly, the like reference is granted to all the counties on the northside Rappahanock river.

Jurors allowed for their attendance, on the late trials.

UPON the motion of Mr. John Langhorn one of the members of this house, *It is ordered* that any jurors which have beene summoned to the Greene Spring concerning the late criminalls, may if they desire it, be allowed the next assembly for their charges according to law.

Witnesses to answer upon oath; but no man to sweare ag'nt himselfe so as to subject him to corporall punishm't.

UPON a motion from Acomack county, sent by their burgesses, *It is answered and declared*, that the law has provided that a person summoned as a witnes against another, ought to answer upon oath, but noe law can compell a man to sweare against himselfe in any matter wherein he is lyable to corporall punishment.

Allowance of caske, in cert'n levies

ORDERED that all persons whose tobaccoes is now levyed without caske, both for the last assemblies, and this assemblies accounts and ought to have casque allowed to the same, shall have the allowance thereof the next assembly if they take care to send their claimes.

Secretary Ludwell's acct's, as agent for Virgin. in England approved; & he publicly justified against cert'n aspersions.

THE accounts and negotiations of Mr. Secretary *Ludwell* as treasurer and agent for Virginia, (a) having been duely and thoroughly weighed, considered and debated, and found to be legall, just, faithfull and greatly serviceable to this his majesties country, and it being taken notice of that some ill disposed persons have

(a) It will be recollected that Mr. Secretary Ludwell and Colo. Daniel Parke were agents for Virginia, in England, in negotiating with the government there, concerning some late grants made to certain lords, patentees, which greatly alarmed the colony; (see ante page 313;) the substance of which grants may be seen post page 427

endeavoured to aspere his honour in the said trust and negotiation; *It is therefore ordered* that Mr. Secretary *Ludwell* be publiquely justified as haveing well performed, and duely rendred account of his said trust and negotiation, and that he have all due redresse against those persons soe asperring and villifyeing of him.

Test,

ROBERT BEVERLEY, Cl. Assembly.

—————

CHARLES the second by the grace of God, of England, Scotland, France and Ireland, defender of the faith, &c. *to our trusty and well beloved Sir WILLIAM BERKELEY, Knt. our governour of our plantation of Virginia, greeting:* WHEREAS Nathaniell Bacon the younger, and diverse ill disposed persons, his complices and adherents have raised a rebellion and levyed warre against us in our said plantation, wee being graciously inclined and willing to extend our royall compassions to such our subjects as have acted in, and been guilty of, or shall act in, or be guilty of the said warre and rebellion, who being sensible and repenting of their disloyalty and disobedience to us and our government, shall humbly implore our grace and mercy, and shall returne to their due obedience and duty, have thought fitt to give and grant, and doe by these presents give and grant full power and authority to you our said governour for us and in our name to pardon release and forgive unto all such our subjects (other than the said Nathaniell Bacon) as you shall thinke fitt and convenient for our service, All treasons, fellonyes and other crimes and misdemeanors by them or any of them, acted, done or comitted, or which shalbe acted, done or comitted by them or any of them, during and relating to this present warre and rebellion, with full restitution to the persons soe by you to be pardoned, their heires, executors and administrators of their estates, as well reall as personall, And our will and pleasure is, that all and every such pardon and pardons by you to be granted pursuant to the power and authority hereby to you given, shalbe to all intents and purposes as good and effectuell in law, and shalbe pleadable and allowed, in all our courts

Proclamation of the king, of 10th of Octo. 1676, authorising gov'nor to grant pardons except to Bacon.

(See an. p. 366, act I, which is said to be founded on this proclamation. But see note, below.)

and before and by all our justices, magistrates and officers whatsoever, in as full and ample manner as if the same had beene granted by us, and had passed under our greate seale of England. In witnesse whereof wee have caused these our letters to be made pattents. Witnesse ourselfe at Westminster, the tenth day of October, in the eight and twentieth yeare of our reigne, &c.*

BARKER.

Copia Test.

ROBERT BEVERLEY, Cl. Assembly.

CHARLES REX.

*Additional instructions for our trusty and welbeloved
SIR WILLIAM BERKELEY, Knt. our governor of
our colony of Virginia.*

YOU shall besides the former instructions given you, when you were last in our kingdome observe these additionall ones, and where ever there shall appeare any thing of contrarity in them these latter are to have the preference, and be observed by you.

Not to call an
assemb. once a
year, but once
in 2 years; &
only to sit 14
days, unless
for good cause,
&c.

1. You shalbe noe more obliged to call an assembly once every yeare, but only once in two yeares, unlesse some emergent occasion shall make it necessary, the judging whereof wee leave to your discretion. Al-
soe whensoever the assembly is called flourteene dayes shalbe the time prefixed for their sitting and noe long-

* Besides this proclamation of the 10th of Octo. 1676, on which act I. of February, 1676 7, (ante pa. 366) is declared to be founded, there appears to have been another proclamation of the 27th of October, 1676, addressed to Sir William Berkeley, authorising him to offer a free pardon to all the inhabitants of the colony of Virginia, Bacon alone excepted, who would within twenty days after its promulgation, submit themselves, and take a certain oath of obedience, and give security for their future good behavior.—The proclamation of the 27th of October, 1676, is recited as being to the above effect, in a subsequent one of 1677, addressed to Herbert Jeffereys, Esq. the succeeding governour; and because Sir William Berkeley had so far departed from the king's instructions as to except several other persons from the benefit of a free pardon, besides Bacon, the proclamation of Sir William Berkeley is abrogated and revoked, and that of the king, dated the 27th of October, 1676, declared to be in full force. See post pa 429. 420

er, unlesse you finde goode cause to continue it beyond that tyme.

2. You shall take care that the members of the assembly be elected only by *freeholders*, as being more agreeable to the custome of England, to which you are as nigh as conveniently you can to conforme yourselfe.

Members of assembly to be elected by *freeholders* only.

3. You shall endeavour to make a good peace with the neighbour Indians, and in manageing and concluding a treaty with them, you shall make use of the assistance of the comissioners, wee now send from hence for that our colony, whome you shall receive and treat with all due respect, as persons chosen by us for their loyalty and ability to undertake and performe the high trust wee have reposed in them; and perticularly you shall take care to provide them with a convenient house and lodging; you shall immediatly upon their arrivall make the councill acquainted with it, as likewise with the contents of their commission.

To make a good peace with the Indians, with the aid of the comissioners sent.

4. During these troubles you shall exactly put in execution the instructions not to suffer any one to goe on board any merchant shippes or other vessells comeing into any port or anchoring in rhode of that our colony without your certificate and commission, and you shall have a spetiall care that neither Nathaniell Bacon in perticular, nor any of his accomplices be suffered soe to doe.

Not to suffer any one to go on board a vessel, with't permission, during the troubles.

5. Immediatly upon the arrivall of our fioresaid comissioners you shall call a new assembly, the late assembly to be by your authority desolved, if it be not soe at the tyme of your receipt of these, and the new one to be elected according to the second of these instructions; but in the calling of assembly, you shall avoyd (as much as our affaires will permitt) the convening of them in court tyme.

A new assembly to be called, and the old one dissolved, on the arrival of the comissioners.

6. You shall declare voyd and null all the proceedings of the late assembly, wherein the said Nathaniell Bacon and his accomplices were pardoned, and violence offered to the assembly.

To declare void all laws passed under *Bacon's* influence.

7. And upon receipt of these instructions, you shall immediatly summon the said Nathaniell Bacon, to present himselfe in such place and manner as you shall judge fitt, which when have done, you shall seize him; and either make his processe there, or send him on

To sum'n *Bacon* to surrender; to seize him, & either try him here, or send him

w'h the proofs to Engl'd, according to his interest with the people.

If Bacon will not surrender, he must be taken by force or design.

Letters addressed to governors of Maryland & New York, to apprehend him, if he escapes there.

To reduce the wages of the members of assembly.

To render an acc't to council of trade & plantations in England.

shipp board, with the proofs relating to his crimes, in order to his transportation hither for his tryall, as you shall judge most convenient, according to his greater or lesser interest amongst the generality of the people there at this present.

8. But if the said Nathaniell Bacon shall refuse to render himselfe, then the proclamation which you shall receive with these instructions shalbe immediately proclaimed, and all waies of force and designe used to surprise him, and to the end he may not easily make his escape, wee have caused our letters to be directed to our most deare brother *James*, Duke of *Yorke*, or the comander in cheife under him of *New Yorke*, as alsoe to the *Lord Baltimore*, or the comander in cheife under him of *Maryland*, to seize the said Bacon and returne him prisoner to you in case he should retire to either of these places.

9. You shall reduce the salary of the assembly of members to such a moderate proportion as may be noe greivance to the countrey, and in the regulation hereof, you shall advise with the aforesaid comissioners.

10. You shall according to your foresaid instructions give once a yeare an account both to our council of trade and plantations, and likewise to our comissioners and farmers of our customes here, of those severall things you are directed by the fifth, seaventh and eighth articles.

Given att our court at Whitehall the 13th day of November 1676, in the eight and twentyeth yeare of our raigne.

C. R.

Copia Test.

ROBERT BEVERLEY, Cl. Assembly.

*The heads of the demise, granted to the right honourable the Earle of Arlington, and the Lord Culpepper for thirty and one yeares, which the countrey looks upon as contrary to his majesties service, and destructive to their peace and welfare.**

(See an p. 311, 312, a reference to this grant.)

FIRST, that the intire territory, tract and dominion, comonly called Virginia, with the territory of Accomack, with all rights, appurtenances and jurisdictions, together with all rivers, waters and royalties whatsoever are granted as abovesaid, and bounded on the north with the dominion of Maryland, on the east with the sea, on the south with Carolina, with all islands within the said bounds and within tenn leagues of the shore.

Ext't of grant to lords Arlington & Culpeper,—the whole of Virginia.

2. The escheates of all lands which shall become forfeite to his majestie, his heires or successors are granted as abovesaid, under certaine compositions.

Escheats.

3. The quittrents and other rents, payments, duties and reservations upon any grants of the premisses whatsoever due to his majestie are granted to the said lords grantees for the terme abovesaid, to be paid in specie and not in comodity, together with all arreares of rents to their owne use without account since the last day of May 1669.

Quittrents.

4. Power granted to the said lords, their executors or assignes during the terme aforesaid, to grant all lands not granted by the governour before the date of the said demise.

Power to grant lands.

5. Nomination of all sherriffes, escheators, surveyors, &c.

Nomination of sheriffs, escheators, surveyors, &c.

6. Presentations to all churches and to endow them with land, &c.

Presentation to churches.

7. Dividing all the said territorie into counties, parishes, &c.

Formation of counties, parishes.

* This very extraordinary grant, in violation of all the former charters to the colony of Virginia and the rights of the inhabitants, gave rise to the 1st act of 1674, ante pa. 311, in which the assembly pointed out the injurious effects which would be produced by it to the colony, and raised a very considerable revenue, for the support of an agency in England, in order to negotiate with the government there, for its repeal.

New seal for grants. &c

8. The making a new seale for the sealing of all grants, confirmations and of all lands to be granted by their honours or their deputies, together with power of keeping registers or records of all such grants, confirmations, &c. and making all other records of the same for the future void.

Gov. & council not to grant any more lands.

9. The governour and councill of Virginia now, or for the time to come are by the said demise forbidden to grant any more lands within the said tract or territory of Virginia, with a non obstante to all former powers, lawes, instructions, &c. whatsoever formerly granted to them or any of them.

Remarks upon the grant.

The demise being for the terme of 31 yeares hath yett power of granting lands in ffee simple, which being contrary to law may deceive those who shall sue out such grants since the ffoundation of their title, being illegally, they may be ousted of their possessions after they have layd out their estates and industeries upon them, and consequently ruined.

Authentication of the above.

The above is the true copie of what was given me by coll. Francis Morrison at the house of coll. Thomas Swann in the presence of Mr. Speaker, major generall Custis, coll. William Traverse and major Robert Bristow, upon the eighteenth day of March 1676, to be entered in the assembly records, and a copy given to the respective burgesses for every county for the better satisfaction of the inhabitants of Virginia.

Copia Test,

ROBERT BEVERLEY, Cl. Assembly.

CHARLES REX.

Recital of proclamation of 27th Oct. 1676 giving power to Sir William Berkeley to grant a gen'l pardon, Bacon alone excepted.

TRUSTY and well beloved, wee greet you well, WHEREAS by our royall proclamation bearing date at our court of Whitehall, the twenty seventh of October last past, in the eight and twentyeth yeare of our raigne, for the suppressing a rebellion then lately raised within our plantation of Virginia, wee were pleased amongst other things to declare that if any of our subjects, who have or shall have engaged with or adhered to Nathaniell Bacon the younger in the said rebellion, should within the space of twenty dayes after the publishing of that our proclamation submit

himselfe to our government, and before the governour deputy governour or other comander in cheife of our forces within our said plantation take the oath of obedience mentioned in an act of parliament made in England in the third yeare of the raigne of our royall grandfather, and give such security for his future good behaviour as the said governour, deputy governour or other comander in cheife should approve of, then such person soe submitting and takeing such oath and giving such security was by our said proclamation pardoned and forgiven his rebellion and treason by him comitted, and should be free from all punishments and forfeitures for or by reason of the same, wee are now given to understand that Sir William Berkeley, knight governour of that our plantation hath (as he pretends) according to our said gracious proclamation and power by us given unto him publisht another proclamation bearing date at Greene Spring in that our plantation the 10th of february last past, in the nine and twentieth yeare of our raigne, whereby he declares full, free and absolute pardon and indemnity of life and estate to all persons inhabiting within that colony, for all treasons comitted there since the first beginning of the said rebellion under Nathaniell Bacon aforesaid, provided every such person should within twenty dayes after the date of his said proclamation repaire to one of our justices of the peace there, and take the oath of obedience above mentioned, but yett with an exception and exclusion from pardon of diverse and sundry persons in his said proclamation named, for which he hath noe ground or authority from our foresaid proclamation, the same being free and without exception of any person besides the said Nathaniell Bacon who should submit themselves according to the tenour of our said proclamation. In regard thereof the governours proclamation is soe different from ours, and soe derogatory to our princely clemency towards all our subjects who have any true sence of their loyalty can by any meanes be reduced to it, and for other reasons alsoe us thereunto moveing, wee have thought fitt to abrogate and revoake, and doe hereby abrogate and revoake the said proclamation of the tenth day of february last issue by Sir William Berkeley governour of that our plantation as aforesaid, and wee doe hereby re-

Sir W. Berkeley's proclamation of 10th of Feb. 1676-7 not conformable to his instructions, in excepting several others from pardon, besides Bacon

The governor's proclamation of the 10th of Feb. 1676-7, abrogated and revoked;

and the king's proclamation of the 27th of October, 1676, declared in force.

(* So in MS.)

quire and authorize you to acquaint our subjects there with this our royall will and pleasure hereby declared, that the governours said proclamation is, and shall be deemed to be null and of noe validity, and that our owne proclamation of the twenty seventh of October last past shalbe punctually obeyed and observed in all points, the governours proclamation or any thing therein conteyned to the contrary notwithstanding, for the doing whereof this shalbe your warrant, and soe wee bid you ffarewell. Given at our court at Whitehall the fifteenth day* 1677, in the nine and twentyeth yeare of our raigne.

The direction is thus :

To our trusty and well beloved Herbert Jeffereys, Esq. lt. governour, and the councill of our colony and plantation of Virginia, in the West Indies.

By his majesties comand.

HENRY COVENTRY.

Vera Copia Test,

THOMAS LUDWELL, Secretary.

ATT THE COURT AT WHITEHALL THE
11th OF JULY, 1677.

By the Kings most excellent Majestie and the Lords of his most honourable Privy Councell.

Recital, that money raised, in Virginia, in 1674 and 1675, and deposited in Engl'd, for the use of the agents of Virginia had been drawn for by the late assembly, & probably misapplied.

THE right honourable the lords of the committee of this board for trade, &c. having this day reported to his majestie in councill that they have received information from Virginia, that a very considerable summe of money raised there in the yeare 1674 and 1675, (a) and deposited in England for a publique stock, to be made use of for rewards and other expences to such as were sent as agents from the said colony for a procureing a charter from his majestie and other publique necessities hath bin for the greatest part thereof by the late assembly, called while the country

(a) This was the money raised by the 1st act of 1674, ante page 311

was yett remaining under great distractions, and uncapable of making their elections after the usuall manner, distributed and disposed of by bills of exchange to uses which may prove less agreeable to the intentions of the now assembly called by the present governour. *It was upon consideration thereof,* and in regard the present condition of the said colony is soe miserable and necessitous that the misapplication of soe considerable a summe of money would be of very evill consequence to his majesties affaires and resettlement of the country; *Ordered by his majestie in councill that Thomas Ludwell Esqr. and coll. Daniel Parke* treasurers of Virginia be, and they are hereby required to attend the board concerning matter on fryday next, the 13th instant, at ten of the clock in the morning, and that in the meane time the treasurers and all other persons who have in their hands any publique moneys of the said colony, doe forbear to dispose thereof notwithstanding any directions they have received from the assembly of Virginia for that purpose.

JOHN NICHOLS.

Thomas Ludwell & Daniel Parke, cited to appear before the king in council.

ATT THE COURT AT WHITEHALL THE
13th OF JULY, 1677.

By the kings most excellent majestie and the lords of his majesties most honourable privy councill.

WHEREAS it hath beene represented to his majestie in councill that a very considerable sume of money raised in Virginia in the yeare 1674 and 1675, and deposited in England for a publique stock, to be made use of for the service of the said colony, hath bin for the greatest part thereof by the late assembly called while the country was yett remaining under greate distractions, and uncapable of making their elections after the usuall manner distributed and disposed of by bills of exchange to uses which may prove lesse agreeable to the intentions of the new assembly called by the present governour, his majestie taking the same in consideration, and designing that the moneys soe collected and remaining in the treasurers hands, shall not be employed to any other ends then

Recital, as in the foregoing order of council.

Thomas Ludwell & colonel Daniel Parke, treasurers of Virginia, ordered not to dispose of any more of said money with't the king's order in council.

such as shall most conduce to the advantage and settlement of that plantation, did order that *Thomas Ludwell Esqr.* and *coll. Daniell Parke*, treasurers for Virginia be, and they are hereby required to forbear to issue out or dispose of any of the said publique monies to any person or persons whatsoever without receiving his majesties order in councell for the same.

JOHN NICHOLAS.

Copia Test,

ROBERT BEVERLEY, Cl. Assembly.

GRAND ASSEMBLY,

BEGUNN AT JAMES CITY THE 25TH OF APRIL,
ANNO DOMINI 1679, ANNO REGNI R^S. CAROLI
SECDI XXXI.*

Sir Hen. Chicheley, lieutenant governor.

ACT I.

An act for the defence of the country against the incursions of the Indian enemy.

Edit. 1733 and 1752.

WHEREAS this grand assembly have taken into sad and serious consideration the sundry murthers, rapines, and many depredations lately committed and done by Indians on the inhabitants of the country, and the greate danger the frontier counties are exposed to by the frequent incursions of Indians, for prevention whereof, and for the future security of the country, *Be it enacted by the governour, councill and burgesses of this grand assembly, and the authority thereof, and it is hereby enacted,* that sower houses for stores or garrisons be erected and built at the heads of the fflower greate rivers, vizt. Att the head of *Potomack* river, at *Nieapico*, (a) *near Occoquan*, one store house to be strongly built, and well covered to be sixty foot long, and twenty two foote broad, and one small house of tenn foote square to be strongly built for ammunition, both which to be built and paid for at the publique charge. And that major Isaack Alerton, coll. St. Leger Codd, and coll. George Mason take upon them to provide the severall necessaryes

Preamble.

Four houses, for stores or garrisons, to be built on the 4 great rivers, viz.

On Potomack,

Dimensions.

Superintend't.

Various Readings.

The commencement and acts of this session taken from Northb-MS. In the edi. 1733 & 1752 the commencement is, 'At a GRAND ASSEMBLY, begun at James City, the twenty fifth day of April, 1679, and in the thirty first year of the reign of our sovereign lord Charles II.'

(a) 'Niesanco' in Purvis, and Ch. City & P. Rand. MS

- Materials, specification of; to be provided by superintend'ts & reimbursed by the public.
- hereafter mentioned for the said worke and houses, for which they shall be reimbursed by the publique in the respective counties where they live (that is to say) eight thousand eight penny nails, ffive thousand tenn penny nails, fflowe thousand twenty penny nails, flower iron potts of about eight gallons each with pott hooks, flower iron pestles, two haire sifters course, twelve milke treyes, six spades, two cross cut saws, six wedges, two broad axes, six falling axes, six hilling hoes, two drawing knives, two hand sawes, one grindstone, one fflow, two hammers, six gimletts, two augers, one of an inch and one of an inch and halfe, two files, one adze, two frying panns, two stocklocks, tenn bushells of salt and flower washing tubbs. Att the head of *Rappahanack* river one storehouse or garrison with a small house, both of the dimensions aforesaid, and that major Lawrence Smith doe procure the severall necessaryes above mentioned, for which he shalbe allowed by the publique in tobaccoes in Gloucester county, at the rate of tenn shillings per hundred with caske. Att the head of *Mattapony*, at or above the Indian townes, one store house or garrison with a small house for ammunition of the dimensions aforesaid, and that capt. Richard Johnson doe procure and provide the severall necessaryes above mentioned, for which he shalbe allowed by the publique in tobaccoes, to be paid in New Kent county at the rate of tenn shillings per hundred with caske. Att the head of *James River* on the southside above capt. William Birds, one storehouse or garrison with a small house for ammunition of like dimensions aforesaid, and that capt. William Bird (a) do procure and provide the severall necessaryes afore mentioned, for which he shall be paid for by the publique in Henrico county. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that every forty tythables within this colony be assessed and obleiged, and they are hereby assessed and obleiged to fitt*
- On Rappahan-
nock.
- Dimensions.
- Superintend't.
- Materials.
- On Mattapony
- Dimensions.
- Superintend't.
- Materials.
- On Jas. river.
- Dimensions.
- Superintend't.
- Materials.
- Every 40 tith-
ables to pro-
vide one man,
completely
armed;

Various Readings.

* The running title of the acts of this session in edi. 1733 & 1752 is, 'Anno tricesimo primo Caroli secundi regis.'

(a) The words 'one store house or garrison, with a small house for ammunition of like dimensions aforesaid, and that captain William Bird,' omitted in Northb. MS.

and sett forth one able and sufficient man and horse, with furniture well and compleatly armed with a case of good pistolls, carbine or short gunn and a sword, together with two pounds of powder and tenn pounds of leaden bullett or high swan shott, and alsoe that each respective forty tythables doe provide and send up to the severall store houses five bushells of shelled Indian corne and two bushells of meale, eighty pounds of good well salted porke, or one hundred pounds of good well salted beefe for fower months provision for such man and his horse, and so from fower months to fowre months punctually. *And be it further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that imediately after publication of this law the severall justices and militia officers of each county doe assemble themselves at some convenient place and consider of the proportion and divide the respective tythables of their counties into fforties, which fforty tythables soe by them devided and appointed to find a man and horse, armes, provision and ammunition as is before expressed, shall either refuse, neglect or be incapable to fitt out such man and horse, armes, provisions and ammunition, in manner as aforesaid, that then the justices and militia officers of the said county be, and they are hereby impowred to impresse a man and horse with armes, ammunition and provisions as is aforesaid, and send them to the said storehouse or garrison, and assesse the said delinquent tythables, the whole charge thereof, and cause the same to be levied and paid where the same shalbe due. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that the pay of each private souldier or trooper for his personall service shalbe after the rate of two hundred pounds of tobacco and caske per month, and soe proportionably for a greater or lesser tyme, and for a horse eighty pounds of tobacco and caske per month, and soe proportionably for greater or lesser tyme; and if after the proportioning the tythables of each or any county into fforties and lesse number shall remaine, such tythables shalbe assessed by the justices proportionably to the rest to help to defray the whole charge. *And be it further enacted by the authority aforesaid, and it is hereby enacted,* that whensoever it shall happen that any one or more such souldier or souldiers

also proviſiſ

Justices & militia officers to make the apportionment.

If the man, &c. be not provided, to be impressed

Pay of privates & for horse.

Men, horses, &c. dying, or disabled, to be replaced by the same tythables

Horses, arms,
&c. lost in ser-
vice, to be paid
for by public.

But if lost by
negligence of
soldier, he li-
able to the 40
tithables.

Man, horse or
arms, sent by
tithables, unfit
for duty others
to be impress-
ed, and the
charge assess-
ed on them.

Captain's pay.

Lieutenant's.

Cornet's.
Surgeon's

soe fitted out as aforesaid, shall happen to dye, be killed, lost or disabled for service, or if any armes soe fitted and sent out shalbe lost, broken, spoyled or become unserviceable, and that their forty tythables to whome they are or any of them appertained, shall be delinquent in fitting and sending out others in their stead, that then in such case the respective justice and militia officers shall impresse, and are hereby impowred to impresse others in their roome, but if such horse shall dye or be killed in the countries service, and good certificate be made thereof by the commander in cheife of the garrison to which he belonged to the assembly, or that such armes as are lost and broken, were lost and broken in the service, and not by neglect or fault of the souldier to whome they belonged, that then such horse or armes shalbe paid for by the publique according to the certificate of the cheife comander, but in case any souldier shall wilfully or carelesly spoile his horse, or kill or loose him, or spoyle, loose, or imbezell his armes, such soldier shall be lyable, and he is hereby made lyable to make full satisfaction for the same to the said forty tythable who fitted the same out. *And be it further enacted by the authority aforesaid, and it is hereby enacted, that in case any souldier, horse, or armes fitted out and sent by any respective number of tythables, shalbe by the justices and militia officers judged unfit for such service, that then in such case the said justice and militia officers doe returne such man, horse and armes, and imediately impresse others in their roome, and asseesse the pay and costs on those to whome the other belonged, or by whome they were sent out. And be it further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that for as much as the present necessity of the tymes requires able and prudent commanders who have both courage and good conduct, that a captains pay be twelve hundred pounds of tobacco and caske per month, he finding himselfe horse, armes, and provisions. &c. and that one of the lysted souldiers which he shall make choice of doe waite and attend him, that a lieutenants pay be eight hundred and fifty pounds of tobacco and caske per month, the cornetts pay six hundred pounds of tobacco and caske per month, chirurgions pay eight hun-*

dred and fifty pounds of tobacco and caske per month, each of those respective officers finding themselves horse, arnes. ammunition and provisions. And if any of the said officers shall loose or have any of their horses killed in the service, that in such case, such horse soe lost or killed to be paid for by the publike. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted* that a box of medicines be bought or imprest by the commander in cheife of each garrison to the value of ffive pounds sterling or thereabouts not exceeding the said summe for the use of the garrison, and for payment thereof such captain drawing a note upon the next collector of the two shillings per hogshhead, and to be by him paid, and allowed to him in the publike account. *And be it further enacted by the authority aforesaid, and it is hereby enacted,* that a corporalls pay and a trumpeters pay be fifty pounds of tobacco per month over and above a private souldiers pay, which overplus pay of fifty per month together with the other officers pay before mentioned shalbe payd and defrayed by the publike. And whereas diverse counties who are to send provisions &c. to the respective garrisons, lye farr remote from the said garrisons; *It is hereby enacted,* that the justices and militia officers of such county take care to send up their provisions and amunitions with the best convenience and greatest security, which charge shall be paid for and defrayed by the publike. *And be it further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that the souldiers to be raised in each respective county by vertue of this act, are forthwith with all possible convenience to be raised, and are to reparaire to their severall garrisons, and to be upon the place by the twentyeth day of June next at furthest, and if possible sooner; and that each respective county send their proportion of men as is hereafter sett downe and expressed, vizt.

Henrico county, north side of Charles City county, Warwick county, Elizabeth City county, James City county, together with flowre souldiers from Lower Norfolke county, fower from Nanzemond, fowre from the Isle of Wight, three from Surry, and two from the south side of Charles City county, be sent to the gar-

Allowance for horses killed or lost, in service.

Medicines, how provided.

Corporal's & trumpeter's.

Remote counties to send their provisions, &c. at public expense.

By what time soldiers to be raised.

Proportion to the several counties.

rison at the head of James river; New Kent county, Yorke county, and one third part of Gloucester county souldiers to be sent to the garrison at the head of Mattapony; Middlesex county, Rappahanack county, and two third parts of Gloucester county, souldiers to be sent to the garrison at the head of Rappahanack river; Stafford, Westmoreland, Northumberland and Lancaster county, souldiers to be sent to Potomack garrison; Lower Norfolk, Nanzemund, Isle of Wight, Surry and the southside of Charles Citty county, souldiers to be rangers for the security of their respective counties according to such order and direction as shall be agreed upon and made by their militia officers. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that for the ease of publique charge, each respective souldier be, and he is hereby strictly enjoyned to be assistant by all convenient and possible wayes for the securing themselves, and building the guard house and store house or houses, that is to say, in falling, maulling, sawing, or doe any other matter or thing requisite or necessary, and alsoe in fencing to make pasture to secure their horses, &c. And be it alsoe further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that each garrison be supplied with a good boate and oares, such as may be sufficient to passe over at least three or fower horses at a tyme, and that the commander in cheife of each respective garrison be, and he is hereby enabled to procure and bargain for such boate and oares to be accordingly paid for by the publique upon his certificate of the price thereof, a boate and oares for Mattapony garrison being already provided by coll. John West. And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that fower of the neighbouring Indians to each garrison be commanded by the comander in cheife thereof to be alwayes attending at each garrison. And because there is noe neighbouring Indians on Virginia side residing near the garrison on Potomack river, the commander in cheife of that garrison is hereby impowred and requested to hyre fowre of the Matteoman Indians in Maryland for the service of that garrison; And to avoyd all mistakes and harme that may ensue for be-*

Souldiers to assist in building garrisons, &c.

Each garrison to be provided with a boate & oars.

Four Indians to be provided for each garrison

ing unacquainted with our neighbour and freindly Indians, and to the end wee may the better know them from our enemies in our ranging and marches, *Bee it enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that all and every Indian towne have speedy notice, that if at any tyme any of them, or any of their freinds that may repaire to their townes, shall happen to meet with any of our souldiers ranging in the woods, or shall come neare any our plantations or people in any place or places whatsoever, that they must not flye, hide themselves or make any opposition, and that if they doe, they may be proceeded against with all manner of hostility as enemies; but if they shall stand peaceably and discourse the English, and give true accompt who and what they are, and upon their approach lay downe their armes, that then they shalbe civilly treated and noe harme shalbe offered or be done unto them. And forasmuch as the said garrisons may not any tyme be left destitute of sufficient defence against any enemy that shall or may attempt the same, *Bee it enacted that* tenn long guns or muskets be provided with one barrrell of gunpowder and leaden shott or bullett proportionable thereto for each garrison to be kept in the store house belonging to it, for a reserve and defence for the same. And that the charge of such gunns, powder or bullett (if the same cannot be procured from his majesties stores, be payd for and defrayed by the publike. And to the end that the Easterne shore may not altogether be left without defence against the Indian enemy, if any shall attempt thereon, or any suspicions of such attempts shall arise among the inhabitants there; *Bee it enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that the inhabitants on the Easterne shore may have, and it is hereby declared that they have the same liberty to make garrisons and raise souldiers in manner and forme as is allowed to the severall counties on the Westerne shore, or to raise and imploy their souldiers in ranging as they find occasion. *And be it further enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that the severall assotiations on the south side of James river shall and may (as they have occasion) erect like houses and

How to know friendly Indians.

What arms & ammunition to be kept in store at each garrison.

Inhabitants of Eastern Shore may build garrisons & raise men, &c. the same as West-erna Shore

Associations, on south side Jas. river may erect garrison, &c.

Rangers, how paid.

Indian prisoners or plunder taken in war, to be free purchase to the soldier.

(See ant. page 346, 404.)

Chief commander to decide any differences among the soldiers.

Pensions, to wounded or disabled soldiers.

Arti's of war. (See an.p.333.)

garrisons as is at the head of the other greate rivers, towards which they shall be equally allowed by the publike with the other garrisons before nominated, And such officers as are imployed in ranging either on the easterne shore or the south of James river, be paid for the time of their service by the publike equally with other officers at the garrisons. And for the better encouragement and more orderly government of the souldiers, that what Indian prisoners or other plunder shalbe taken in warre, shalbe free purchase to the souldier takeing the same,* And where any difference shall happen among the souldiers in such or like matters, the same to be adjudged, decided or determined by their respective cheife comanders. And all such souldiers as shalbe maimed and disabled in the service to have an annuall pention allowed them by the publike at the discretion of the assembly, and that the articles of warre be published and practiced as is directed in the act of assembly made in the year 1675.

ACT II.

Edit. 1733 and 1752.

An additional act for the better preventing stealing of Hoggs.

Purvis 236.

WHEREAS notwithstanding the former law against hog stealing, the same is dayly practiced to the greate damage of the inhabitants of this country; for the prevention whereof, *Bee it enacted by the governour, councell and burgesses of this grand assembly, and the authority thereof, and it is hereby enacted, that this following addition be made to the former law, vizt. That for the first offence of hogg stealing, where-*

For the 1st offence of hog-stealing, to be punished by the former law.

* [] This is not the *first* legislative sanction given to the making of slaves of Indians, as has hitherto erroneously been supposed.—The first idea of the kind occurred in one of *Bacon's* laws, in June, 1676, (ante pa. 346) from which this law is almost literally taken; afterwards in February, 1676-7, the legislature expressly declared that all prisoners *theretofore* or *thenceforward* taken from Indian enemies, in lawful war, should be *slaves* to the captors; and that the other plunder taken by any soldiers, should be retained by them, for their better encouragement. See ante page 404

of any person shall be convict, the party shall be adjudged according to the said law. And if any person haveing beene once convict of hogstealing, shall a second tyme be convict thereof, then for such his default he shall stand in the pillory two howres, and have both his eares nailed thereto, and at the expiration of the said two howres have his eares cut loose from the nailes, which penalty and punishment shalbe adjudged and inflicted against and upon the offender by any county court in Virginia, any law to the contrary notwithstanding. And whosoever shalbe taken a third tyme stealing hoggs, that then he be tryed by the lawes of England as in case of fellony.

For the 2d, to stand in pillory two hours, with his eares nailed, & then cut off.

For the 3d, to be prosecuted as a felon

ACT III.

An additional und declaratory law impowring county courts to make by lawes.

Edit. 1733 and 1752.

WHEREAS there is greate necessity oftentimes for perticuler counties to make by lawes proper only to themselves, and the former act of assembly to that purpose being too generall and consequently not soe easy to be put in practice. *See it therefore enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof, and it is hereby enacted,* that for the future two men be made choice of in each parish by the major votes of the freeholders and housekeepers in the said parish at such tyme and place as by the county courts shalbe appointed, which two soe chosen as aforesaid shall be returned by the churchwardens, and shall sitt in the severall county courts and have their equall votes with the severall justices for the makeing by lawes. And where the county shall consist of one parish only, there fower men shalbe chosen and returned in manner as is aforesaid, and shall have equall votes with the severall justices for the makeing by laws. And all such by lawes soe made, shall be firme and biuding to the inhabitants of such county, any law, custome, or usage to the contrary notwithstanding. And forasmuch as diverse greate parishes have in them severall chappells of ease. *See it therefore enacted by the governour,*

Purvis 237.

Two men to be chosen in each parish to vote with justices in mak'g by-laws:

but if only one parish in a county, 4 to be chosen.

One representative to each chapel of ease.

council and burgesses of this present grand assembly and the authority thereof, and it is hereby enacted, that the inhabitants within the precincts of every such chappell of ease, may elect one representative for every such chappell, to sitt and vote with the justices in the making such by-lawes as aforesaid. the tyme and place for such election to be alsoe appointed by the county courts.

ACT IV.

L.d.t. 1733 and 1752.

An act declaring how farre accounts are pleadable against dead mens estates.

Purvis 238.

(Sec an.p.111.)

Debts recoverable against dead men's estates, if contracted only 1 year before the death;

and with't limitation if the deb'r removes or absconds.

Provided that such debts be proved by the oath of the party and one witness.

WHEREAS the 95th act of assembly in the printed booke making noe accompts pleadable against dead mens estates is found too severe, and that many ex-ecutors and administrators of dead mens wills and estates have had and taken too greate advantage thereby to the defrauding and greate prejudice of many creditors to such estates, for prevention whereof for the tyme to come, and to the end all just debts may be recovered against the debtors estates, *Be it enacted by the governour, councell and burgesses of this grand assembly and the authority thereof, and it is hereby enacted, that from hence forth all accompts brought against a dead mans estate for any debt made and contracted within one yeare before the partyes death (but noe longer) shall be pleadable and recoverable against the debtors estate. and for (a) longer tyme without prescription, if the party in debt shall after contracting such debt remove or abscond himselfe from the county where he lived after contracting the same. Provided always that all such accompts and claimes as shall be brought against a dead mans estate be fairely proved to the court by the oath of the creditor and one witness more, and that the party clayming and suing for such debt doe himselfe appeare and in open court, make oath upon the holy evangelist, that the same is wholly due without any discompt to be made or creditt to be given that he knowes off.*

Various Readings.

(a) The word 'no' in Purvis, before 'longer' but it is not to be found in any of the MSS. and entirely varies the sense.

ACT V.

An act repealing the 129th act of assembly in the printed booke.

Edit. 1733 and 1752.

WHEREAS the 129th act of assembly in the printed booke of lawes, enjoyning the inhabitants on Potomack river and on the Easterne shore not to make delivery of their tobaccos, by them sold or paid away without certificate from the collector that the impost thereof is paid to him under the penalty of twenty shillings for every hogshead by them suffered to be taken out of their possession, is found greivous to the said inhabitants, all other the inhabitants of Virginia being at their owne liberty to sell and deliver their owne tobaccos to the best advantage; *Bee it therefore enacted by this present grand assembly and the authority thereof, and it is hereby enacted, that the said 129th act of assembly be, and from henceforth stand repealed, and that the inhabitants on Potomack river and on the Easterne shore have like and equall priviledge and liberty with the rest of his majesties subjects in this colony to sell, dispose, pay and make delivery of their tobaccos to the best advantage and conveniency.*

Purvis 239. (See an.p.132.)

Act 129, or 1661-2, repealed; and inhabitants of Potomack and Eastern Shore may dispose of their tobacco as others.

ACT VI.

An act ascertaining collectors fees for entring and clearing ships, &c.

Edit. 1733 and 1752

WHEREAS severall complaints have beene made to this present grand assembly that severall collectors in this colony have exacted and taken greate and unreasonable fees for entring and clearing ships and small vessells trading into this colony, which if permitted and continued might prove prejudiciall to trade; for prevention whereof for the future, *Bee it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted, that from henceforward noe collector or collectors shall or may demand or take other fee for entring or clearing any shipp or vessell coming into this country then by this*

Purvis 240.

Preamble.

Collectors' fees for enter'g and clearing vessels, taking bonds, &c.

law is ascertained and allowed to be taken (that is to say) for every ship or smaller vessell burthen twenty tunns, or under, fifteene shillings and noe more. and for every ship or other vessell burthen above twenty tunns, thirty shillings and noe more, which said summes shall be in full payment for his fees of entring, clearing, licence to trade, and for takeing such bonds as are by law enjoyned to be given and taken at the entring and clearing of ships or other vessells trading hither.

ACT VII.

Edi. 1733 and
1752.

An act for secureing orphants estates.

Purvis 241.

Preamble.

Good security to be taken before any order for adm'n is grant'd, or letters of adm'n signed.

Justices liable for insufficiency of security.

Certificate from clerk, that security is given to be required

WHEREAS the 66th act of assembly in the printed booke relateing to orphants estates is found too short and diftient, and by the neglect of the courts in taking security upon granting orders for administrations, greate prejudices have ensued and may ensue, for the prevention thereof for the future, *Bee it enacted by this present grand assembly, and the authority thereof, and it is hereby enacted,* that before any order for administrations upon estates of deceased persons (a) shall be granted to issue forth from the office, soe as letters of administration shall or may thereupon passe and be signed by the justices as by law is directed and enjoyned, good security shall be taken for the parties due administration according to law. *And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that all justices sitting in court whensoever administrations are sued for and granted, and shall upon granting order or orders of administration neglect to make order for security as is before enjoyned to be taken, shall thereby and for such their neglect become lyable to make good such estate in case the same shall be imbezelled by such administrator. *And it is also further enacted,* that all justices of the peace stand enjoyned, and hereby are required before they signe letters of administration to demand certificate from the clerke

(a) The words 'upon estates of deceased persons,' omitted in Purvis

that security is given according to law and duly entred upon record to the end all orphants, &c. may be secured in their estates, and the justices safe in the due execution of their office and places.

by justices be-
fore they sign
letters of ad-
ministration.

ACT VIII.

An act prohibiting the importation of tobaccos into this colony.

Edit. 1733 and
1752.

FORASMUCH as the importation of tobaccos into this colony from Carolina and other parts without the capes, hath been found very prejudiciall to this country and the inhabitants thereof, and for prevention of like mischeife and inconveniency for the future, *Bee it enacted by the governour, councell and burgesses of this present grand assembly. and the authority thereof, and it is hereby enacted,* that from and after the tenth day of October next, after this present session, noe tobaccos packt in casque or otherwayes shalbe brought from without the capes of Virginia into this colony, either in boate, sloop, shipp or other vessell whatsoever, to be landed on shoare, sold or shipt of in any ship or other vessell rideing in this colony, except only by such persons as shall make it appeare that they are inhabitants of Lower Norfolke county, and that the tobaccos by them brought round the capes, is of the growth of the said county, upon penalty of forfeiting all such tobaccos soe brought into this colony contrary to the true intent and meaning of this act, the one halfe of such tobaccos soe forfeited to be to the use of the kings majestie, and the other halfe to be equally divided betweene the informer and the country. *Provided alwayes* that it shall be lawfull for any merchant or other person inhabitting in this country to fetch from Carolina, comonly called the *South*, and bring hither all such tobaccos as are already due to him before the making of this law. *Provided alsoe* that such merchant or other inhabitant of this country as shall pretend to have tobaccos due their and expects liberty of importing the same into this colony, doe within three months next after the publication of this act repaire to the court in the county where he lives, and their make oath upon the holy evangelist what summes of tobaccos

Purvis 242.

No tob'o. to be
bro't into Vir-
ginia, from Ca-
rolina or else-
where with't
the capes;

except by in-
habitants of
Lower Nor-
folk.

Penalty.

Proviso, as to
debts previous-
ly due from in-
habitants of
Carolina.

How to proceed to collect them.

is due to him there, and that the same was due to him before the publication of this act, and cause the same to be entered upon record. And further that such merchant or other person residing in this colony and having tobaccoes due to him in Carolina, and claiming the benefit of this law to import the same into this colony, shall and doe immediately and before he shall unload the same, either out of boate, sloop or other vessell, bringing the same into this country, repaire to the next or nearest collector of the impost of two shillings per hogshead, and make entry with him of all such tobaccoes as he shall bring in, and doe alsoe make oath upon the holy evangelist before such collector or other magistrate whome he shall appoint, that such tobaccoes soe brought in, is such parte of what tobaccoes was due to him in forreigne parts before the making of this act, the totall whereof he hath already signified to the county court where he resides according to the injunctions of this law.

ACT IX.

Edit. 1733 and 1752.

An act forbidding Maryland vessells trading into this colony without makeing due entry.

Purvis 244.

Preamble, reciting the laws of Maryland, compell'g Virginia vessells to make entry which the assembly deem very unneighbourly. No vessel belonging to inhabitants of Maryland, to land any goods in Virginia, with't due entry, under penalty of forfeiture of vessel and cargo

WHEREAS by severall laws which long have bin, and now are of force in Maryland, all ships, sloopes, boates and other vessells belonging to Virginia are inforced to make entry with the respective collectors before they can be permitted to make delivery of any goods, or take on board any tobaccoes to import hither, and consequently to pay considerable sumes of money to such officer for such entry, though the goods or concerne thither carryed be of very small value, which severity this assembly having taken into consideration, doe adjudge it very unneighbourly; *Be it therefore enacted by the governour, councill and burgesses of this present grand assembly, and the authority thereof, and it is hereby enacted, that noe ship, sloop, boate or other vessell belonging to any the inhabitants of Maryland, or coming from thence shall from henceforth be permitted to bring any manner of goods or comodities of what values soever into any the ri-*

vers or ports of this government and unload the same either on board any other vessell, or on shore without first making due entry thereof with the collectors of these precincts under the penalty of forfeiting such ship, sloop, boate or other vessell, together with such goods and merchandizes as shalbe soe unloaded as aforesaid, the one halfe to the informer and the other halfe to the use of the county where the seizure is made. And the severall collectors are hereby earnestly desired and enjoyned to take perticuler care in this matter, And this law to stand in force untill the Marylanders shall repeale their severe law before mentioned.

This act to continue till the Marylanders repeal their severe law.

ACT X.

An act for the naturalization of Abraham Vincler, John Michaell, Jacob Johnson, John Pimmitt (a) and John Keeton (b)

Edit. 1733 and 1752.

WHEREAS at a grand assembly holden at James Cittie the twentieth day of September, in the twenty third year of the reigne of our soveraigne lord king that now is, and in the yeare of our Lord God 1671, *It was enacted and ordained* that any stranger desiring to make this country the place of their constant residence might upon their petition to the grand assembly, and taking the oathes of allegiance and supremacy be admitted to a naturalization, whereupon Abraham Vincler, John Michaell, Jacob Johnson, John Pimmitt and John Keeton, aliens, making humble suite as aforesaid; *It is therefore enacted by the governour, councill and burgesses of this grand assembly and the authority thereof*, that the said Abraham Vincler, John Michaell, Jacob Johnson, John Pimmitt and John Keeton, and every of them be, and are by vertue hereof, and the afore recited lawe whereon this

[From Charles City MS.]
(This act wholly omitted in Parvis.)
Preamble.

Ab'ham Vinc-ler, and others naturalized.

and entitled to all privileges of natural born Englishmen.

Various Readings.

(a) 'Pimmitt' in edi. 1733 & 1752; 'Pimmitt' in *Ch. City & P. Rand. MSS.*

(b) 'Hexton' in edi. 1733 & 1752; 'Keeton' in *Ch. City and P. Rand. MS*

is grounded capeable of free traffique and tradeing of taking up, purchaseing, conveying, deviseing and inheritting of lands and tenements, and from henceforth be, and are declared, deemed and holden, and in all constructions of law, stated, vested and indulged with all priviledges, liberties and immunities whatsoever relateing to this collony that any naturall borne Englishman is capeable of according to the true intent and meaning of the said act.

ANNO DOMINI 1733

ACT XI.

Edit. 1733 and
1752.

An act enabling major Laurence Smith and capt. William Bird to seate certaine lands at the head of Rappahannock and James river.

(This act wholly omitted in Purvis.)

Preamble, reciting the advantages of strengthening the frontiers; and that certain persons were willing to adventure there on certain conditions.

FORASMUCH as it is found by too sad and fatal experience that our loose and scattered manner of living and want of cohabitation doth not only encourage and embolden our barbarous enemies the Indians, or who else please to make a prey of us, to act so many murthers, depredations and devastations as will in the end (if not tymely prevented) bring his majesties country to utter ruine and destruction, and hazard the totall depopulation thereof. All which this grand assembly haveing duly considered, and well weighed, and finding by our present vast expence in our necessary defence how greate and insupportable the charge of maintaining a continuall warre with our Indian enemies will necessarily be to the country in keeping and maintaining forts and places of defence, at the frontier places of this country, and maintaining an army for the defence of the whole against the present invasion, and secureing us his majesties subjects and his country, for the tyme to come; for the case whereof, and disburthening the country of this vast charge and expence, it being proposed by some well minded inhabitants that for such encouragements, liberties and immunities as are hereafter mentioned, they will undertake the conditions hereto annexed; and upon further and serious consideration of the said proposalls that there are noe meanes soe effectuall to ease the said greate charge and secure us his majesties subjects and

this country, as cohabitation and well fortifying the frontiers and other places most open and obnoxious to our enemies invasions, and finding also the meanes proposed, easie, safe and proper to allure and encourage people to adventure the danger by betakeing themselves to this new and unaccustomed way of living. And forasmuch as major Laurence Smith of Gloucester county hath offered and proposed to this grand assembly, that for the defence and safety of this his majesties country of Virginia, and more perticuler the inhabitants of Rappahanock river, he the said Laurence Smith within the tyme of fiftene months next, after the last day of December next ensueing the date hereof, will settle or seate at or neare the place in Rappahanock river, where the ffort was built in the yeare 1676, and have in readinesse upon all occasions on beate of drumm fifty able men well armed, with sufficient ammunitions and provisions for the countreys service in defence of the inhabitants of Rappahanock river against the Indian enemy upon conditions of severall freedoms, priviledges and imunities hereafter expressed to be granted him and them, that he shall seate there, and that the said Laurence Smith will within the tyme before mentioned, seate downe and place upon the said land within a mile in length upon the river and quarter of a mile backwards into the woods to be laid out as he shall thinke fitt, the said fifty able men soe fitted with armes, &c. as is before expressed, and by such lotts and proportions other two hundred men amounting in the whole to two hundred and fifty, hereby priviledged to be seated, and their houses to be built, and not any dwelling house or habitation to be without the lymitts before specified, and for the better ordering, guiding and governing the said priviledged inhabitants, that the said Laurence Smith shall be ever ready with the fifty able men well armed as before mentioned upon the least knowledge or notice, either by order of the right honourable the governour, or by order of his majesties lieutenant generall, or major generall or the said inhabitants or other persons, on discovery of any danger or approach of any enemy, to kill, pursue, resist, destroy or take any and every such enemy and enemies, and therein to follow such orders and directions as the honourable governour or

Major Laurence Smith's proposition.

Conditions, to be performed on his part.

Proviso.

Privileges and powers.

civil and military.

other the said Laurence Smiths superior officer as aforesaid, or in case he shall receive noe such order from such officer as his owne discretion and judgment shall direct and appoint, upon penalty of forfeiting all and every the rights, priviledges and liberties herein mentioned whensoever he shall refuse or neglect to doe and performe the same to his and their utmost abilities, *provided* the said Laurence Smith with the said fifty armed men be not compelled to march upon any such expedition beyond the compasse of twenty miles every way distant from the place of their habitation, unlesse there should appeare soe greate a body of enemy as in probability cannot be subdued by the said force, and then in such case he be ready to imbody with such other force as by the right honourable governour shalbe appointed in any place without the said lymitts; upon this condition that during such tyme as they shalbe compelled to march without the said lymitts, he, they, and every of them to be paid for such tyme as they shall soe march according to the rates, and payments allowed to other souldiers appointed by the honourable governour, and alsoe upon any other emergent occasion, any other of the said priviledged inhabitants shall or may by lawfull authority be impressed, or otherwayes raised to proceed in any expedition and proportionally to the number of men that shalbe necessarily raised in any other counties of this countrey, and to receive pay accordingly for their service, and that the honourable governour wilbe pleased to give authority to the said Laurence Smith by full and good comission to be captain and comander in cheife over the said fifty armed men, and all such of the other two hundred priviledged persons as he shall putt in armes upon any emergent occasion against the Indian enemy; and also full power and authority to him the said Laurence Smith and his other inferior officers to doe and execute such martiall discipline amongst the said fifty souldiers and others soe put in armes as is aforesaid, as are and shalbe thought fitt and ordered by act of assembly for the well governing and ordering of military men, both in tymes of warre and peace, and that the right honourable the governour wilbe pleased to grant comission to the said Laurence Smith and two others such as he shall nominate

inhabitants of the said priviledged place, *quorum unus*, &c. to heare and determine all causes of right and wrong in any action at common law, or ariseing usuall at any court of record whatsoever to be heard and determined, and thereupon to award, decree and determine such orders and decrees as according to the lawes and statutes of England and the lawes of this colony, and the common lawes of the land shall be right and just to be heard and determined, be they either civil or criminall soe far forth as the county court of this country are and can be capable by law to heare, determine, doe and execute; And in case any person shall desire to appeale from any judgment or order given against him or them, that then such person or persons may make appeale (and shall not be denyed the same) either to the county court, generall court, or assembly in order, as in other appeales, and be allowed freedome from arrests, upon appeale to the county court two dayes before and two dayes after the day of hearing or tryall, and in case they returne not within the said dayes, that then upon judgment against any such person or persons, he, she or they may be arrested or taken in execution in any place where they may be found according to the lawes and customes of this country, And also that they may have the same priviledge to make by lawes suiteable and necessary for their perticular benefitt and good government as by the lawes of this country, any and every the countyes of this country are impowred to make, which said by laws to be made shall be agreed upon, concluded of and made by the said Laurence Smith and two other comissioners and six other inhabitants of the said priviledged place, as by the major part of them shall be elected, and such lawes soe made to be as binding to them and every of them the said priviledged persons as other lawes of like nature are to any county wherein they are made; ffor and in consideration of all which, and if the said major Laurence Smith and the aforesaid number of priviledged persons shall on his and their parts duly, constantly and truely performe, keep and doe all and every the articles and propositions and premisses before recited and sett downe, and on his and their part promised to doe and performe, that then *be it enacted by this present grand assembly and the authority thereof, and it is hereby enacted*, that the said Lau-

Right of appeal.

May make by-laws.

Condition.

Grant to major Laurence Smith & others on Rappahanock river, below the fort built in 1676.

rence Smith, and the before recyted persons not exceeding the number of two hundred and fifty in the whole shall have those following freedoms and priviledges and imunities granted him and them and every of them whome he shall soe settle and seate within the bounds of one mile in length upon the river, and a quarter of a mile backward into the woods as is before recited, (that is to say) first that the said grounds to be priviledged as aforesaid shall continue for length upon the river five miles and one halfe mile, that is two miles and one halfe below the fort built upon Rappahanock river in the yeare 1676, and three miles above the said ffort being reduced into a straight line, and backwards into the woods fflower miles, every way distant from such straight line, and that within the said ground, all which he presumes and accompts to be his owne land, noe person or persons to the number of two hundred and fifty, (aforesaid) whome he shall seate or receive to dwell within the mile on the river, and quarter of a mile backwards as is before mentioned, shalbe lyable to be arrested for any debt due by judgement, sealed bond, bill, note, booke debt or otherwaies, but shalbe free and acquitt from any arrest or suite of law for any matter or thing whatsoever, (except at the kings majesties suite) for the full space of twelve yeares, to commence and beginne next and immediately after the last day of December next coming; and that he the said Laurence Smith and every of the priviledged persons as is before recited to the number of two hundred and fifty in the whole, shall alsoe be, and doe hereby stand free and acquitted for the payment of any tax or levye which shall be laid, or raised either by the publique, county or parish for the full tyme and space of ffifteene yeares, to comence and beginne immediately, and next after the last day of December next. except only such rates as shalbe made and laid amongst themselves, and that neither he the said Laurence Smith, nor any person by him employed, settled or seated in the place, and within the bounds of the before recited lands, shall be lyable by law for the payment of any mans debts, that either he or they, or any one of them shall intice, persuade or transport thither. *Alwayes provided* the number of tythable persons soe settled

(This fort was below the falls See an. p. 327.)

Priviledges.

Exempt d from arrests & taxes for a certain time.

Priviledged persons not to exceed 250

and priviledged shall not exceed the number of two hundred and fifty; *Provided alwayes* that this act or any parte thereof shall not be of force to protect and keepe within the said priviledged grounds, any slaves or servants, either serveing by indenture, custome of the country, judgement of the court or covenant in writing from his or their respective master or masters if any such shall absent themselves from their servitude and gett thither for entertainment and protection, but that such servant or servants as aforesaid soe comeing their shalbe forthwith conveyed and delivered by the said priviledged persons to the next constable without the priviledged grounds in order to be sent to his master as the law in such cases directs and commands. And if any such runaway shalbe deteyned or concealed by any inhabitant within that priviledged place, such person as shall soe entertaine or conceale such runaway shall incurr and be lyable to the same penalty as other persons are that are convict of entertaining runaways. *Provided alsoe* that if any person being in prison for debt, or being under arrest shall escape to the said priviledged place, that in such case upon notice given thereof such person shalbe secured and delivered in safe custody to the next constable out of the libertyes of the said priviledged ground, to the end he may be conveyed and delivered to the officer from whome he made such escape, any thing in this act to the contrary notwithstanding.

And forasmuch as captain William Bird, of Henrico county hath made like offer to seate at or neare the head of James river upon like conditions and with like exceptions, provisoes and reservations, that therefore *it be enacted by the governour, councill and burgesses of this present grand assembly and the authority thereof, and it is hereby enacted*, that like and equall freedom, priviledges and imunities as is before mentioned to be granted to major Laurence Smith in Rappahanock river be alsoe granted, and they are hereby granted to captain William Bird, upon the conditions and performances with like exceptions and provisoes in James river within the bounds hereafter sett downe (that is to say) begining on the southside James river one mile and halfe below the falls, and soe continuing five miles up the river in a straight lyne, and back-

Not to privilege slaves or servants

Nor persons escaping from arrests, or execution.

Capt. William Bird's proposition.

The same as maj Laurence Smith's.

Grant to capt. Wm. Bird, on James river, near the falls.

Privileged persons not to exceed 250.

Other lands on the frontiers may be seated on the same terms ;

and on Eastern Shore.

Patents & commissions to issue to Smith & Bird.

wards one mile into the woods, and on the northside of the said river, begining halfe a mile before the falls, and thence continueing five miles up the river and two miles backwards into the woods, all which he accompts and presumes to be his owne lands. And that he the said captain William Bird stand bound and obleiged, and he doth hereby promise and become bound and obleiged to seate all the whole number of fifty able men, soe armed and constantly furnished with sufficient ammuniou and provisions, together with such number of other tythable persons, not exceeding two hundred and fifty in the whole on both sides the said river within the space of halfe a mile along the river on each side in a straight line, and a quarter of a mile backwards into the woods. *And be it further enacted by this present grand assembly that if any other person or persons shall be willing to seate themselves in like manner and on like conditions with like obligations, exceptions and provisoes, at or neare the heads of any other the greate rivers, or in any place or places remote or backwards from the inhabitants, and soe as may be judged defencible for this his majesties country against the Indians, that the same be grauted them, whereof by this act they shall be assured for their encouragement to beginne and proceed in soe good a worke and undertakeing. And be it further enacted by this present grand assembly and the authority thereof, and it is hereby enacted,* that the like priviledges and imunities on like condition and with like exceptions be granted to such one or more persons whosoever shalbe willing to undertake the same on the Easterne shore, at the frontieres thereof at such place or places as shall be appointed and allowed by the grand assembly, and that the right honourable the governour be hereby impowred and requested to grant pattents to the said major Laurence Smith and captain William Bird accordingly, and to give them comissions to be comanders in cheife within the bounds and lymitts of the respective lands before mentioned and over the said priviledged persons.

This assembly dissolved.

Signed by Sir HENRY CHICHELEY,
Governour.

MATTHEW KEMP, *Speaker.*

A true Copie, Test,

ROBERT BEVERLEY, Cl. Assembly.

*All a grand assembly begining at James Citty the
25th Aprill, Anno Dni 1679, Annoq. R. Rs. Car. Scdi
XXXI.**

WHEREAS diverse complaints have beene made to the grand assembly of many greate and greivous exorbitant fees exacted and taken by severall clerks of county courts to the oppression and wrong of his majesties leige people of this colony, and this assembly haveing taken it into their serious consideration how the same may the best be prevented for the tyme to come. *It is hereby ordered* that the consideration and redresse of the said complaints stand referred to the next assembly, and to the end that all fees to be demanded or taken by any clerke for the tyme to come, may be ascertained by law and knowne to all people residing in this colony, that the severall clerkes of county courts or some certaine number of them more or lesse doe prepare and fitt a certaine lyst or schedule of fees not yet already ascertained by law, and present the same to the honourable assembly for his allowance and approbation, and the same soe ascertained by Mr. Secretary, to be presented to the grand assembly in the begining of the next assembly to the end they may be considered of, and as approved of ascertained by law to be demanded and taken as just fees, which will prevent all such complaints and greivances for the tyme to come.

Preamb. complaining of the extortion of clks. of courts.

Certain clerks to adjust a fee bill, & report to sec'tary, to be laid before the assembly.

THERE being a proposition brought to this grand assembly about clearing the rivers neare the heads thereof from loggs and trees for the better and more secureing the passing of sloopes and boates loaden with merchants goods or tobaccos, that this declaratory order be made thereon; *And it is hereby ordered and declared by this present grand assembly* that whatsoever county finds it needfull within the bounds and precincts of their respective counties to cleare the rivers from loggs and trees, which may annoy and endanger boates, and sloopes, such counties by vertue of

County courts may provide for clearing rivers from logs trees, &c. which obstruct navigation.

* These *Orders* or *Resolutions* are to be found in the Northb. MS. only.

a by law to be made by themselves may appoint and command the same to be done in such manner, and by such wayes as they shall judge most fitt.

Public claims
postponed.

ORDERED that all claimnes from the publike made this present grand assembly stand referred to the next assembly, and what proceedings have beene made this present assembly in the comittee of claimes be null and voyd, and that all petitions and claimes presented to this assembly be returned to the burgeses and partyes to whome they belong if they make demand of the same.

Case of Rob't
Liny.

ROBERT Liny haveing complained to this grand assembly, that whereas he had cleared a fishing place in the river against his owne land to his greate cost and charge supposing the right thereof in himselfe by virtue of his pattents, yett neverthelesse severall persons have frequently obstructed him in his just priviledge of fishing there, and in despight of him came upon his land and hale their sceanes on shore to his greate prejudice, aleadging that the water was the kings majesties, and not by him granted away in any pattent, and therefore equally free to all his majesties subjects to fish in and hale their sceanes on shore, and praying for releife therein by a declaratory order of this grand assembly; *it is ordered and declared by this grand assembly* that every mans right by vertue of his pattent extends into the rivers or creekes soe farre as low water marke, and it is a priviledge granted to him in and by his pattent, and that therefore noe person ought to come and fish there above low water marke or hale their sceanes on shoare (without leave first obtained) under the hazard of committing a trespassse, for which he is sueable by law.

All patents extend to low
water mark

Henry Ran-
dolph & Tho's
Ludwell, former
sole notaries public,
being dead, Robert
Beverley
appointed.

FORASMUCH as *Henry Randolph*, late clerke of the assembly was by an act of the grand assembly made at James Citty the 23d day of March, 1662, appointed and made sole notary publike for this colony, in which office and trust he continued untill the yeare 1673, when he dyed, and forasmuch as *Thomas*

Ludwell, Esq. succeeded the said place and office, who is also dead, and there being at present none other person appointed and impowred to execute the said office, and *Robert Beverley* clarke of the assembly haveing beene offered to this grand assembly and adjudged a fitt person for the said trust, place and office; *It is therefore ordered* that the said *Robert Beverley*, clerke of the assembly be appointed, sworne and fully authorized and impowred, and is hereby authorized and impowred to use, exercise and performe the office and place of sole notary publique, for and of this his majesties colony of Virginia. *And it is further ordered* that for the ease and convenience of the inhabitants of this colony in generall, and all other trading hither, he be inabled and impowred, and he is hereby fully enabled and impowred to depute certaine discreet and sufficient persons throughout this colony to officiate as deputy or deputyes under him, and as such to use and exercise said office and place of notary publique, for which places and within such lymitts and precincts as he the said *Robert Beverley* appoint, to whose protestations, attestations and other instruments of publications, as alsoe of those persons by him deputed and sworne as aforesaid at home and abroad, wee desire all credience may be given.

Authorised to
appoint deputies

Credente due
to their attestations.

A true Copie, Test,

ROBERT BEBERLEY, Cl. Assembly.

GENERALL* ASSEMBLIE.

L d. Culpeper, governor.†
**BEGUNNE AT JAMES CITTIE THE EIGHTH DAY OF
 JUNE, ANNO 1680, IN THE TWO AND THIRTIETH
 YEARE OF OUR SOVERAIGNE LORD KING
 CHARLES THE SECOND.**

ACT I.

‡ *An act of free and generall pardon, indemnitie and oblivion.*

Purvis 246 and
 Edi. 1733 1752
 and 1769.
 Preamble, re-
 citing Bacon's
 opposition in
 1676.

THE Kings most excellent majestie having taken into his serious and gracious consideration the present state and condition of his colony of Virginia, and reflecting on the late rebellion raised there by Nathaniell Bacon junr. deceased, his complices and abet-

* From this period, in Purvis, the *Ch. City* and *P. Rand.* MSS. and the editions 1733, 1752 and 1769, the term *General Assembly* is used, instead of *Grand*, which had before been invariably used from the first session of the legislature. But in the *Northb.* MS. the terms *General* and *Grand* are promiscuously used for several years after this. The commencement of the acts of this session, in that MS. is, 'Att a GRAND Assembly beginning att James City, June the 8th Anno Dni 1680; Annoq. Regni Regis Car. secundi XXXII.' In the edi. 1733, 1752 & 1769, 'At a *General Assembly*, begun at James City, the eighth day of June, 1680, in the thirty-second year of the reign of our sovereign lord king Charles II.' The commencement here, is taken from the *Ch. City & P. Rand.* MSS.

† This is taken from the margin of the edit. of 1733, which does not agree with the list of governors of Virginia, contained in an ancient manuscript, from which extracts are prefixed to vol. I. It is in that MS. said that Sir Henry Chicheley continued governor till April 16, 1683, on which day a commission was read bearing date the 27th of Novr. 34 Car. 2d, appointing Lord Culpeper, governor; and that Lord Howard succeeded him on the 15th of April, 1684. [See note on this subject to list of governors prefixed to this volume.]

‡ *Memorandum*, That this act was brought over by the Lord *Culpeper*, under the great seal of *England*, with full power to give the royal assent to it; and passed the Assembly unanimously, as appears by the Lord *Culpeper's* speech, and the journal of the house of burgesses, Anno 1680. (*Note to editions 1733, 1752 & 1769.*)

tors, and how many of his good subjects were drawne into the same and seduced from their allegiance by the specious pretences sett forth by the said Nathaniell Bacon, who have since by their dutifull behaviour shewed themselves sencible thereof, and repenting for the same, and to the intent that noe crime whatsoever comitted against his said majestie and government may hereafter rise into judgment or be brought in question against any of them to their least endamage-ment, either in lives, liberties, estates or to the prejudice of their reputations. by any reproach or terme of distinctions, and to turne all seeds of future discords and the remembrances thereof in utter oblivion, as well in his majesties owne breast as in the breasts of his majesties subjects one towards another, and out of an earnest desire to put an end to all suites, quarrells and controversies whatsoever that by occasion of the said rebellion and late destractions have arisen and may arise betweene any of his majesties subjects and in pursuance of his gracious proclamation of pardon bearing date the seaven and twentyeth day of October 1676, and in the eight and twentyeth yeare of his raigne, is graciously pleased *that it may be enacted, and be it enacted by the kings most excellent majestie by and with the consent of the generall assembly, that all and all manner of treasons, misprision of treasons, murders, felonies, crimes and misdeameanors comitted, acted, councelled or done by any person or persons whatsoever upon or at any tyme before the sixteenth day of January, 1676, in the 28th yeare of his majesties raigne, other then the persons hereafter excepted in such manner as they are excepted by vertue or colour of any comand, power, authority, warrant, comission or instructions from Sir William Berkeley, late governour of Virginia, deceased, or of or from any person deriveing or pretending to derive mediately or immediately any comission, power or authority from the grand assembly in Virginia, held in June 1676, or of or from Nathaniell Bacon junr. deceased, assumeing unto himselfe the authority of or reputed to be comander in cheife of all the*

and the king's proclamation of 27th Octo. 1676. (See an. pa. 423.)

All treasons, &c. before the 16th Jan. 1676 pardoned;

except persons hereafter excepted.

* The running title of the acts of this session in edit. 1733, 1752, and 1769 is, 'Anno tricesimo secundo Caroli secundi regis.'

All persons engaged with Bacon (except as hereafter excepted) restored to their estates, real & personal;

but still liable to payment of their debts.

Nath'l Bacon, jun. excepted out of this act;

forces in Virginia by land or sea, or from any other person or persons deriving or pretending to derive any authority from them or any of them be pardoned, released, discharged and put in utter oblivion, and that as firmly and fully to all intents and purposes, as if they or every of them had herein been particularly and plainly named. *And be it further enacted by the authority aforesaid,*, that all and every such person and persons, their and every of their heires, executors and administrators (except as hereafter excepted) that were actually ingaged in ayding, assisting, adviseing, abetting or counselling the said rebellion shall have and enjoy all and every their lands, tenements, hereditaments, goods, and chattells, whatsoever forfeited to his majestie, his heires and successors for any of the crimes aforesaid in the same manner, and as freely to all intents and purposes as if they had not been forfeited, yet soe that they may and every of them and their estates both reall and personall, shalbe subject and lyable to pay all and singuler their just debts in the same manner as if they had comitted noe rebellion, crimes or offences, *except and alwayes foreprized* out of this act, the above named *Nathaniell Bacon, junr.* the principall contriver, beginner and maintainer of the said rebellion who haveing taken up armes under pretence of an Indian warr, assumed unto himselfe the title of generall, and did afterwards chase the then governor, there rob, kill and continue to destroy severall other of his majesties loyall subjects that refused to take the detestible oaths imposed by the said Bacon, untill it pleased the Almighty to send him the said *Bacon* an infamous and exemplary death,* whereby he hath escaped the punishment in this world soe justly due to his person; *Bee it therefore enacted, and it is hereby*

* What was that *infamous* and *exemplary* death of which mention is made in this act? Historians, without giving any circumstantial detail, represent Bacon's death as proceeding from a cold, and excessive fatigue, in the arduous duties which he had to perform.— But the truth is, that there is no dependence to be placed on the historical accounts of that day, as is clearly proved in a note to page 526 of vol. 1. of this work. When we see, by the instructions of the king to Sir Wm. Berkeley, ante page 426, that Bacon was to be taken at all events; that both force and *design* were to be employed, the conjecture raised in a note to page 374, ante, will not be deemed an overstrained one

enacted by the authority aforesaid, that the said Nathaniell Bacon junior shalbe by virtue of this act, and is hereby adjudged to be convict and attainted of high treason to all intents and purposes as if he had been convict and attainted thereof by due course of law in his life time, and that all the estate reall and personall, whereof he was seized or possessed upon the fifth day of June 1676, or at any tyme after within the colony of Virginia shalbe forfeited to the kings majestie, his heires and successors, and is hereby declared to be vested in his majesty, his heires and successors without any office or inquisition thereof to be hereafter taken or found; *Provided alwayes, and be it enacted* that this act nor any thing therein contained shall extend to pardon, discharge or give any other benefitt whatsoever unto *Gyles Bland, Anthony Arnold, Richard Turney, Richard Pomfrey, John Isles, Robert Stoakes, John Whitson, and William Scarborough* alias, *Scarburgh* who were all legally convicted and attainted and executed for their horrid treasons and rebellions, or to *Richard Lawrence** who flyred James Citty and is since fled, notwithstanding his majesties gracious proclamation, but that the persons last aforesaid and their estates are out of this act wholly excepted and foreprized.

& attainted of high treason:

and all his estate, real and personal, forfeited to the king.

Certain other persons excepted from the benefit of this act.

Provided alsoe, and it is hereby enacted and declared by the authority aforesaid, that if Joseph Ingram, Gregory Walklett, Thomas Whaley, John forth and John Langston shall at any tyme after the passing of this act accept or exercise any publique office whatsoever within the said colony of Virginia, that then such of them as doe soe, accept or exercise aforesaid, shall to all intents and purposes stand as if he or they had bene totally excepted by name out of this act. And whereas many of his majesties loyall subjects cannot

Certain others disqualified from office.

(See an. p. 372, 376, 384.)

For the relief of sufferers:

* It is difficult to reconcile the provisions of this act, with the professions of the king, in his proclamation of the 27th of Octo. 1676. That proclamation, as recited in a subsequent one, authorised Sir William Berkeley to grant a free pardon to all persons. *Bacon* alone excepted, (see ante pa. 428;) and because Sir Wm. Berkeley had excepted several other persons, his proclamation was revoked, and that of the king, holding out general terms of pardon, substituted (See ante pa. 429, 430.) Yet we find, in this act, several other persons excepted, who were included in Sir William Berkeley's bloody act of February, 1676-7, ante page 366.

and prevent'n of suit;

no redress for injuries done between the 1st of May & 16th of Janu'y, 1676, unless judgment had been obtained before 25th April, 1679.

But goods of persons not engag'd with Bacon, taken between first of May and 16th January 1676 may be recovered by the owners.

Servants engaged with Bacon, lose their time, within the above period.

Judgments, decrees & judicial proceedings, rendered by pers's acting under an assumed authority confirmed.

but be very greate sufferers by the spoiles and rapines comitted during the late rebellion, to the intent they may have as much releife therein as may possibly stand with the quiett of this country, and also for the avoyding and determining of the endlessse suites and prosecutions which must necessarily ensue if care be not taken to prevent the same, *It is hereby further enacted by the authority aforesaid* that as to any wrong or injury which hath beene comitted by any person or persons at any tyme betweene the first day of May and the sixteenth of January 1676, whereby the goods or comodities of any of his majesties subjects in Virginia, have been destroyed or spoyled, or have been impaired or made worse, and for which noe judgement hath been actually obtained before the five and twentyeth of April 1679, in the one and thirtyeth yeare of his majesties raigue, noe account, suite, processe or satisfaction be at any tyme hereafter required, prosecuted, made or given for the same from or against any person or persons whatsoever. *Provided alwayes* that where the goods of any of his majesties subjects not actually ingaged in the said rebellion, or being ayding and assisting to the same have been wrongfully taken away betweene the said first day of May and the sixteenth of January, and shalbe found in the possession of any other person or persons, it shall and may be lawfull for the owner or owners of such goods or comodities, his or their executors and administrators to take, sue for and recover the same by all legall meanes, any thing in this act contained, or any other lawes, acts or statute to the contrary notwithstanding. *Provided alwayes* that noe further punishment, satisfaction or damages shalbe recovered or inflicted on any christian servants that have deserted their masters or bin active in the late rebellion, then that the time incurring betweene the said first day of May and the said sixteenth of January shalbe accompted noe part of their tyme of service. *And be it further enacted by the authority aforesaid* that noe verdicts, judgments, indictments, informations, decrees, sentences, probatts of wills, administrations, writts or actings, or returne of writts, orders or other proceedings whatsoever in law or equity had, made, given, taken or done or depending in any courts or before any judges whatsoever

within the said colony of Virginia or any actings, pro-
 cesse, proceedings or executions thereupon, had, made,
 given, done, or suffered at any tyme before the passing
 of this law within our said colony shalbe avoyded for
 or by reason that the premisses or any of them were
 comenced, prosecuted, had, made, held, or done by or
 before any person or persons pretending and assume-
 ing the name, title, authority and dignity of governour
 of the said colony, though he were not legally soe, or
 before any person or persons pretending and assume-
 ing the name, title and authority of councillors within
 the said colony, though not legally soe, but that all and
 every such verdicts, judgements and other things above
 mentioned, and the actings, doeings, and proceeding
 thereupon shall be of such and noe other force, effect
 and value then as if such persons soe assumeing the
 name, title, authority, and dignity of governor had bin
 legally comissioned by his majestie thereunto, and if
 such person or persons pretending the name, title, and
 authority of councillors there had been legally autho-
 rised thereunto. *And whereas* during the lycentious-
 nesse of the late tymes severall ill disposed persons tooke
 upon them to asperse the government and defame the
 governor and cheife magistrates of the said colony,
 raising false and scandalous reports, without which
 our good subjects there could not have been soe easily
 led away, which cannot but tend to the future distur-
 bance of the peace and welfare thereof if not tymely
 prevented, by inflicting punishments proportionate to
 the greatnesse of the crime. *Bee it therefore enacted*
by the authority aforesaid, that whosoever shall after
 passing of this act, maliciously and advisedly by write-
 ing, speakeing or otherwise expresse, publish, utter
 or declare any word, sentence or thing or things to
 incite or stir up the people to the dislike of any per-
 son appointed by his majestie to be governor or co-
 mander in cheife of the said colony, or tending to the
 dishonour or defameing the said governour or coman-
 der in cheife for the tyme being, and being thereof
 legally convicted shalbe imprisoned during one yeare
 without bayle or mainprize, and incurr such forfei-
 ture as shalbe adjudged, not exceeding the sume of
 500*l.* to the kings most excellent majestie, his heires
 and successors, *And it is in like manner enacted,* that

Penalty for as-
 persing the
 government or
 defaming the
 governor;

I year's impri-
 sonm't without
 bail or main-
 prize, & £500
 fine.
 (See an.p.385.)

For writing or speaking, so as to incite dislike of councillors, judges or principal officers; imprisonment three months and £100 fine.

whosoever shall maliciously and advisedly by writing, speaking or otherwise expresse, publish, uter or declare any words, sentences or other things to incite or stir up the people to the dislike of his majesties counsellors, judges, or other principall officers within the said colony, or tending to the dishonour or defaming of the said counsellors, judges or principall officers, and being thereof legally convicted shalbe imprisoned three months without bayle or mainprise and incurr such forfeiture as shalbe adjudged, not exceeding the sume of one hundred pounds, to the kings most excellent majestie, his heires and successors, any act or acts, order or orders to the contrary in any wise notwithstanding.

ACT II.

**An act for Naturalization.*

Purvis 252 and
Edi. 1733, 1752
and 1769.

WHEREAS nothing can contribute more to the speedy setling and peopling of this his majesties colony of Virginia then that all possible encouragement should be given to persons of different nations to transport themselves hither with their families and stocks, to settle, plant or reside, by investing them with all the rights and priviledges of any of his majesties naturall free borne subjects within the said colony.

Governor may
grant to aliens
letters of natu-
ralization,

Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is enacted by the authority aforesaid, that it shall and may be lawfull for the governour or comander in cheife of this colony for the tyme being, or any of his successors, governours of this colony, by a publique instrument under the broad seale thereof to declare any alien or aliens, forreigner or forreigners being already

* This act was also brought by the Lord *Culpeper* under the great seal of England, with the former, and passed the assembly unanimously—So far the editions of 1733, 1752, and 1769 agree; but in the two former is subjoined, ‘and therefore could not be repealed by the act *Anno* 1705.’ these words are wanting in the edition of 1769, and instead of them it is said, ‘see 4 Ann. (1705) cap. 11.’

From the year 1671, to this period, aliens were naturalized by act of assembly; for which see the act, ante pa. 289, 290, and several instances, by virtue of that act, in pa. 302, 308, 339, 400, 447.

settled or inhabitants of this his majesties colony, or such as shall hereafter come for to settle, reside, or plant in itt, and having taken the oath of allegiance before the governour or comander in cheife for the tyme being to be to all intents and purposes fully and compleately naturalized, and that the persons soe approved of and named in the said letters pattents (as aforesaid) shalby virtue of this act have and enjoy to them and their heires the same imunities and rights of and unto the lawes and priviledges of this colony, and as fully and amply as any of his majesties free borne subjects have or enjoy within the same as if they themselves had bin borne within any of his majesties realmes or dominions, any former law, act, ordinance, usuage or custome to the contrary in any wise notwithstanding. And to the intent the said letters pattents and instruments under the broad seale of this colony as aforesaid may be obtained without any greate difficulty or charge; *Bee it further enacted*, that the governour or comander in cheife shall have and receive forty shillings, and his clerke for writing tenn shillings and noe more. *And whereas* severall aliens and forreigners that have formerly transported themselves to this his majesties colony, and have taken up and pattented in their owne name severall parcellls of land or otherwise made purchase of lands, houses or other reall interests, and have afterwards sould the same to some of his majesties leige people or inhabitants of this colony, *It is therefore hereby enacted and ordained by the authority aforesaid*, that all such persons that shall have soe bought of alien or aliens any lands, houses or tenements be secured and by virtue of this present act for ever confirmed in the quiett and peaceable possession of the said purchases unto them and their heires for ever, any former law, usuage or custome to the contrary in any wise notwithstanding, *Provided* that nothing in this act contained shalbe construed to enable or give power or priviledges to any forreigner to doe or execute any matter or thing which by any of the acts made in England concerning his majesties plantation he is disabled to doe or execute.

and adminis'r
the oath of al-
legiance.

Such persons
entitled to all
the immuni-
ties and rights
of natural born
subjects

Fee to gov'noe
and clerk.

Purchasers of
lands from
aliens, confirm-
ed in their
titles.

Noth'g in this
act to extend
privileges to
aliens contrary
to the laws of
England.

ACT III.

Purvis 254 and
Edi. 1723, 1752
and 1769.

* *An act for raising a publique revenue for the better support of the government of this his majesties colony.*

Preamble.

Export duty of
2s per hhd or
500 lbs. of tobo.
in bulk.
(See an p.413.)

Half a pound
gun powder &
3 lb. of leaden
shot, or 1s. & 3d
sterl'g pr. ton,
in lieu thereof
on all vessels;

and 6d. per poill
for all persons
imported, ex-
cept mariners.
[See vol. 1, p.
176. 192, 218,
247. 301. 312,
and ante page
131, 177]

WHEREAS there is a greate and continuall charge required for the maintenance of the governor and severall other officers and persons as alsoe for the fort and fortifycations, besides many other contingent expences, absolutely necessary for the support of the government of this colony, *Bee it therefore enacted and it is hereby enacted by the kings most excellent majestie by and with the consent of the generall assembly,* that for every hogshhead of tobacco that shall at any tyme hereafter be exported out of this colony by land or by water to any other place whatsoever, there shalbe paid by the exporter two shillings of currant mony of England, as also for every five hundred pounds of tobacco exported in bulk or otherwise and soe proportionably for a greater or lesser quantity, the same to be to the kings most excellent majestie, his heires and successors for ever, to and for the better support of the government of this his majesties colony of Virginia in such manner as is herein before expressed, and to and for noe other use intent and purpose whatsoever. *And be it further enacted by the authority aforesaid* that all ships or vessells whatsoever coming to this colony or any part thereof shall respectively pay for every tunne such shipp or vessell shall containe, one halfe pound of good and new guapowder and three pound of leaden shott, or one shilling three pence sterling in leiu thereof, as alsoe six pence per pole for every person imported not being actually a marriner, the same to be alsoe to the kings most excellent majesty, his heires and successors for ever for the better support of the government of this his majesties colony of Virginia in

* This act was also brought over by the Lord *Culpeper*, under the great seal of *England*, with the two former, and passed the assembly, with the addition of the two provisos at the end of the act; and therefore could not be repealed by the acts of 1705 and 1710, (*Note to edi. 1733 and 1752.*) In edi. 1769, the words 'and therefore could not be repealed by the acts of 1705 and 1710,' are omitted, and instead thereof it is said 'see 9 Ann. (1710) cap. 1.'

such manner as is herein before expressed, and to and for noe other use intent and purpose whatsoever. And for the better discovering and preventing of frauds, *Bee it further enacted by the authority aforesaid* that the master of every ship or vessell shall deliver the boatswaines booke to the perusall of the respective collectors and make oath of the truth thereof to the best of his knowledge, and that the mate, boatswaine, or any other officer, seaman, or person be alsoe sworne if there be cause for the discovery of the truth of the freight, And if any master shall wittingly or willingly conceale any parte of his freight or make falce entry of his ship or vessell or number of persons imported as aforesaid, then the said master shall forfeite for every such offence the summe of one hundred pounds sterling as alsoe the trebble dutyes for every hogshhead or five hundred pounds of tobacco, and for every tunn concealed, one moyety to the informer and the other moyety to the kings most excellent majesty his heires and successors, and to and for the uses above mentioned, and to be recovered by action of debt, bill or plaint by virtue of this act, against which noe escoygne wager of law or protection to be allowed to any person soe offending. *And it is hereby enacted by the authority aforesaid*, that the respective masters of every ship or vessell shall enter into a bond of twenty pounds to the kings most excellent majestie, his heires and successors for the payment of the duties of soe many hogshheads or five hundred pounds of tobacco as shall upon due certificate appeare to be entred in the custome house in England, more then shalbe entred and paid to the respective collectors and other officers in Virginia, unlesse the collectors and officers be fully satisfied of the true numbers of hogshheads and freights of the said shippes and vessells, the said bond to be made without any fee, and to be voyd to all intents and purposes as if never made, if not put in suite upon due certificate to be procured by the respective collectors from the custome house in England, within one yeare from the makeing thereof, which said collectors and other officers are hereby required to use their utmost dilligence in the due execution of this act, and shalbe allowed their usuall sallaryes or such others as by the governor or comander in cheife for the tyme being

Master to deliver boat-swain's book to collector, & make oath as to his freight, and other officers or seamen may be sworn.

Penalty for concealment.

Master may be compelled to give bond for payment of duties on tobacco entered in England, more than entered and paid for here.

Bonds void, if not put in suit within a year.

Encouragem't
for prompt
payment.

Former acts,
impos'g duties
repealed.
(See act 128 of
Mar. 1661-2,
ante page 130,
act 17, of Dec.
1662, ant. pa.
177, & act 132
of Mar. 1661-2
ant. pa. 135.)

Certain acts
confirm'd.
[See act 134,
of Mar. 1661-2
ant. pa. 135, &
act 5 of 1669,
ant. pa. 272.]

with the advice of the councell shalbe judged necessary for collecting the said imposition, which said governor or comander in cheife for the tyme being is alsoe hereby further authorised and impowred from tyme to tyme with the advice of the councell, as is before specified to give such reasonable allowances and encouragement as shalbe adjudged fitting, not exceeding tenn per cent, to such masters of ships or other persons as shall give in true accounts, and advance and pay down the abovementioned duties either in money or good and sufficient bills of exchange to the satisfaction of the respective collectors.* *Provided alwayes, and it is hereby enacted and declared by the authority aforesaid, that the act of assembly in the printed booke (intituled the imposition of two shillings per hogshead) made at a grand assembly held at James Citty the twenty third of March 1661, alsoe one other act (intituled an act for the imposition of two shillings per hogshead) made at James Citty the second of December sixteene hundred sixty two. Also one act in the printed booke (intituled castle duties to be paid,) made at a grand assembly holden at James Citty the twenty third of March 1661, and all other former acts for the raising or levying of two shillings per hogshead impost upon tobacco exported out of this his majesties colony of Virginia, or for raising or levying of castle duties, tunnage or head mony be, and are hereby, by vertue of this act, fully repealed and made voyd to all intents and purposes, any thing in this act or any other law, statute, custome, usuage, or instructions whatsoever to the contrary notwithstanding. *Provided also, and it is hereby enacted and declared by the authority aforesaid, that the priviledges of Virginia owners of ships expressed and sett downe in the hundred thirty fourth act in the printed booke, (intituled priviledge of Virginia owners,) made at James Citty the 23d of March, 1661, and one act made at James Citty the 20th October 1669, (intituled an act for freeing Virginia owners from castle duties,) shalbe and are hereby meant and intended to be in full force, power and verture to the benefitt, use and priviledges of all and eve-**

* These two provisos were added by the assembly, and the bill passed after it had been rejected by the burgesses. Assembly journal, June 18th, 1680. [Note to edi. 1733, 1752 & 1769.]

ry such owner or owners, any thing in this act or in any other act, law, statute, custome, usage or instructions whatsoever to the contrary notwithstanding.

ACT IV.

An act for continuation of the severall ffortifications and garrisons at the heads of fflowre greate rivers.

Edit. 1733 and 1752.

Purvis 257.

Preamble.

WHEREAS the number of souldiers at the severall garrisons appointed by act of assembly made at James Citty the 25th Aprill 1679, is found too chargeable for the greate poverty of the inhabitants of this country any longer to lye under, and neverthelesse the holding up and maintaining the said garrisons and fortifications against the incursions of Indian enemies is deemed of an absolute necessity; *Bee it therefore enacted, and it is hereby enacted by the kings * most excellent majestie by and with the consent of the general assembly* that the clause in the said law appointing forty tythables to sett forth one souldier be from henceforth wholly repealed and made voyd, and that the said garrisons and fortifications be continued, and that from henceforward the number of souldiers at each garrison (over and besides the comander in cheife thereof) be twenty in number, out of which number two corporalls to be chosen by each respective comander in cheife, and that such twenty souldiers for each garrison as aforesaid be appointed and chosen (as alsoe their horses, armes and furniture out of those who now are there or ought to be there by each respective comander in cheife) proportionably out of their severall countyes to which they appertaine, And therefore for a supply of the said twenty souldiers, horses, armes, or furniture soe made choice of as aforesaid, and hapning to dye or any wayes become disabled

No. of soldiers in garrison reduced. (See an.p.430.)

Deficiencies, how supplied.

* *Memorandum.* That the stile of all the acts of this session, except the first three, was mistaken, and ought to have been in the name of the governor, council and burgesses, and not in the name of the king, as those were which were proposed and sent over under the great seal of England by the king himself. [Note to edi. 1733, 1752, & 1769.]

by sickness or otherwise that then such difficiency upon notice given by the comander in cheife to the justices or first in comission of such county court, to which county such souldier or souldiers as shall be long shall forthwith be supplied according as the aforesaid act of assembly made the twenty fifth of Aprill, 1679, directs, *And it is further hereby enacted by the authority aforesaid*, that each officer and souldiers pay shalbe and continue as is sett downe in the said recyted act of assembly, which charge shalbe borne and allowed by the publike, And for the lessing the charge heretofore brought for transporting provisions and the better and more sure provideing the same, *Bee it enacted by the authority aforesaid* that each souldier be allowed such proportion of corne and meate as is sett downe in the before recited law, and that *coll. William Bird* as undertaker in this present assembly doth forthwith begin and all a long continue from fowre months to fowre months to provide and furnish the provisions and corne for the garrison and souldiers at the head of James river, and deliver the same soe convenient to the garrison as that the same may conveniently be secured and fetched in by the souldiers thereof without further charge to the country, for which provisions soe delivered, he the said *coll. William Bird* shalbe paid and allowed by the publike after the rate of two thousand pounds of tobacco and caske per ann. for each souldier of the said fort, And that *capt. John Langhorne* (as undertaker in this present grand assembly) make like provision and delivery thereof for Yorke river fort and have like pay from the publike. And that *Robert Beverley* (as undertaker in this present grand assembly) make like provision and delivery thereof for Rappahanock river fort, and have like pay from the publike. And that the same rules in the former law be observed for provideing provisions for Potomack fort. And because by reason of the poverty of this country the number of souldiers appoynted for each garrison at the countreyes charge is soe few, and that in all likelyhood there may be found emergent occasion to reinforce each garrison with more souldiers, his excellency is humbly requested (as he shall see cause) from tyme to tyme to place in each garrison such number of his majesties

Pay of officers and soldiers to continue as by former act.

Col. W. Bird, contractor to furnish provisions on James river.

His allowance.

Captain John Langhorne, contractor for York river.

Rob. Beverley contractor for Rappahann'ck river.

Potomack fort to be furnished as by the former law.

Gov. requested to place the king's troops in garrisons.

foote souldiers now in the country as from tyme to tyme shall be thought fit and needfull, and for such souldiers soe placed, their allowance of provisions shall be from tyme to tyme made and provided at the country charge, as is proportioned and allowed for the other, all such souldiers being furnished and supplied with his majesties armes and ammunition, and provided with their owne bedding to be carryed to such garrisons at the charge of the country. And to the end such provisions as aforesaid may be alwayes ready and at hand. *It is hereby enacted by the authority aforesaid* that every undertaker hereby in this act nominated doe for the first fowre months, and soe for every other succeeding fowre months provide and lay in for each garrison five months proportionable allowance, and alsoe from time to time furnish such other quantities proportionable for each such supernumirary souldier as shalbe sent according to the time such souldiers shalbe continued there, and as he the said undertaker shall from tyme to tyme receive notice thereof and directions for the same from each respective comander in cheife for such garrison as he hath undertaken for, and for such provisions as he shalbe paid by the publike according to the rates before mentioned. *Provided alwayes*, and his excellency is desired (if he se cause) to draw tenn of the souldiers from each garrison for the ease of the country, supplying the same with ten of his majesties souldiers at each garrison and such tenn to have the horses, armes and flurniture of those which shalbe withdrawne.

Contractors, furnish 5 mo's provisions, in each garrison

10 soldiers to be drawn from each garrison & replaced by the king's.

ACT V.

An act for cohobitation and encouragement of trade and manufacture.

Edit. 1733 and 1752.

'THIS present generall assembly haveing taken into heir serious consideration the greate necessity, usefullnesse and advantages of cohobitation in this his majesties country of Virginia, and observing and fore-seeing the greate extremities his majesties subjects ere must necessarily fall under by the present and ontinued lownes of the price of tobacco, the only co-

Purvis 260.

Preamble.

Fifty acres of land to be purchased by each county & laid out for a town & storehouses.

modity and manufacture of this country (if the same be not by all prudentiall meanes and wayes prevented) and considering that the building of storehouses for the reception of all merchandizes imported, and receiving, securing and laying ready all tobaccos for exportation and for sale and disposall of all goods, merchandizes and tobaccos imported or exported into or from this his majesties colony of Virginia wilbe one greate meanes for advancement thereof, *doe pray your majestie that it may be enacted, and be it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid,* that there be (a) within two months next, and immediately after the publication hereof in every respective county within this his majesties colony fifty acres of land purchased by the ffeoffees of the severall counties at the rates hereafter sett downe and measured about, layd out and appointed for a towne for storehouses, &c. for such county as is hereafter sett downe and expressed, that is to say,

Places in each county where the towns and storehouses are to be established.

- In Henrico county att Verina where the court house is.
- In Charles City county at flower de hundred over against Swiniars. (b)
- In Surry county att Smiths flort.
- In James City county at James City.
- In Isle of Wight county at Pates ffeild att the parting of Pagan Creeke.
- In Nanzemond county att coll. Dues point als Huffs point.
- In Warwick county att the mouth of Deep creek on Mr. Mathews land.
- In Elizabeth City county on the westside Hampton river on Mr. Thomas Jervise his plantation where he now lives.
- In Lower Norfolke county on Nicholas Wise his land on the Easterne Branch on Elizabeth river at the entrance of the branch.
- In Yorke county on Mr. Reeds land where the Ship Honors store was, including the low beach for land, wharfes. &c. and the old field where *Webber* dwelt for cohabitation.

Various Readings.

(a) 'By' in Purvis.

(b) 'Swynyards' in Purvis.

In New Kent county att the Brick house a long the high land from marsh to marsh.

In Gloster county att Tindalls point on Tindalls creeke side on John Williams land.

In Middlesex on the west side of Ralph Wormeleys creeke against the plantation where he now lives.

In Rappahanock county att Hobbes (a) Hole.

In Stafford county att Pease (b) Point att the mouth of Aquia on the northside.

In Westmerland county att Nomenie (c) on the land of Mr. Hardricke.

In Accomack county att Colverts neck on the north-west side att the head of an Anchor (d) Creeke.

In Northampton county at the northside of kings creeke beginning at the mouth and soe along the creeke on the land belonging to Mr. Secretaryes office.

In Lancaster county on the northside Coretomond river agaist the place where the ships ride on a point of land belonging to Mr. Edward Carter about a quarter of a mile up the creeke which divides Mr. Chownings and the courthouse.

In Northumberland county, Chickacony.

And be it further enacted by the authority aforesaid, and it is hereby enacted that the price to be paid by each county for each respective fifty acres of land nominated as aforesaid shalbe tenn thousand pounds of tobacco and caske, which summe the owner or owners thereof shalbe and are hereby constrained to accept take and receive as a full and valueable price and consideration for the said land for ever, and for which he shall acknowledge and pass an authentique deed in law to such person or persons his or their heires and assigns for ever, as shalbe nominated by the justices of the county court as feoffees in trust, and to and for the use of the county; and for encouragement of all and every such person and persons whatsoever as will build a dwelling house and a ware house thereupon, every such person and persons shall have assigned him or them by the justice or justices of the county feoffee

Price of the 50 acres of lands,

to be vested in feoffees, in trust for use of the county.

Various Readings.

(a) 'Hobbs his' in Purvis.

(b) 'Peace' in Purvis.

(c) 'Noming' in Purvis.

(d) 'Anancock' in Purvis.

or feelees in the deed named, or in case of the death or absence of one or more of them, then by such others shall be appointed by the court, one halfe acre of the said land in free simple, he pay to the county one hundred pounds of tobacco and caske and building such dwelling house and ware house thereupon as by this act is enjoyned. And in case any person should desire more then one halfe acre, that then there be assigned to him one halfe acre more in manner aforesaid, he building thereupon one other dwelling house and one warehouse, and paying the county one hundred pounds of tobacco and caske for the same. *And it is hereby further enacted* that every such person or persons as shall desire and purchase such lands as aforesaid and shall not begin to build thereupon within three months after such purchase and soe continue to the finishing such building as by this act is enjoyned shall forfeite all such tobaccos and land and the same to revert to the county soe as to be sould and assigned to any other person or persons desireing the same on the prices and conditions aforesaid. *And it is further enacted* that the surveyor or surveyors appointed to lay out the said fifty acres in the severall appointed places, be paid and allowed by the publique according to act of assembly, and that every surveyor for laying out every dividuall halfe acre, and giving a platt thereof shall be paid by him that shall employ him twenty pouds of tobacco and caske and noe more. and such surveyor as upon timely notice given him shall refuse to survey and lay out the same, or that shall demand more then what is here allowed upon due prooffe thereof made, shall pay to the party agrieved ffive hundred pounds of tobacco, to be recovered by action of debt in any court of judicature. *And be it further enacted by the authority aforesaid and it is hereby enacted*, that all tobaccos whatsoever which shall be made within this his majesties colony from and after the first day of January next ensuing, and alsoe other goods and merchandizes whatsoever of the growth of this colony to be exported shalbe brought to the said appointed places where all such tobaccos and all other goods and merchandizes whatsoever of the growth or production of this colony, are to be brought sould, shipped and freighted, and whosoever shall pre-

Encouragemēt
to build.

Conditions of
building.

Fees of survey-
ors for laying
out the town.

Pen'ty for neg-
lect, or exact-
ing more

All tobaccos
and other pro-
ducts of the
country to be
carried to the
towns

same to buy, sell, freight or ship of any tobaccoe or other goods or merchandizes aforesaid next after the tyme aforesaid, before the same is brought to such appointed places, upon due prooffe thereof made shall forfeite and loose all such tobaccoes, or other merchandizes whatsoever, one halfe to hismajesty and the other halfe to the informer, any law, usuage or custome to the contrary notwithstanding. And all goods, wares, English servants, negroes and other slaves, and merchandizes whatsoever that shalbe imported into this colony from after the twenty ninth day of September, which shall be in the yeare 1681, shalbe landed and layd on shore, bought and sould at such appointed places aforesaid and at noe other place whatsoever, under like penalty and forfeiture thereof. *Provided alwayes* that it shall and may be lawfull for any person whatsoever to have liberty to buy and sell betweene themselves any horses, mares, cattle, sheep, corne English grayne or any other manner of provisions whatsoever, and also liberty to carry hides to the tanners where the tann houses are, any thing in this law to the contrary in any wise notwithstanding. And to prevent exactions that may be used by sloopmen who must necessarily be employed to bring the said tobaccoes to the said appointed places and for the owners of ware houses for storage thereof. *It is hereby enacted* that the owners of the tobacco bringing the same to the water side where it is to be taken on board shall pay for sloop hire noe more then twenty pounds of tobacco and caske for each hogshead if the said tobacco be within thirty miles of the said warehouse to which it is to be brought, and what distance soever further fforty pounds of tobacco and caske for each hogshead and noe more, upon penalty of forfeiting one hundred pounds of tobacco and caske for each hogshead by him who shall demand, receive or take more, to the use of the party greived; and for the storage of any hogshead of tobacco in any ware house the owner thereof shall pay to the warehouse keeper ten pounds of tobacco for the ffirst day or for a month, and for every month after, six pounds of tobacco and noe more. And whereas there are severall persons who are soe remote from landings proper for takeing their tobacco on board the sloopes or boates for transporting the same to

Pen'ty for purchasing elsewhere.

All goods imported, servants, negroes & other slaves &c. to be landed at the town only.

Proviso, as to certain domestic articles.

Pri. of freight limited.

Storage of tobacco.

How houses of deposit, convenient to land'g may be built.

the appointed places. *It is therefore hereby further enacted* that in case any person or persons owners of such lands which shalbe convenient to build a house upon, convenient for securing such tobaccoes untill the same can be shipped shall refuse to build such house for securing such tobaccoes untill the same can be shipped as aforesaid, that in such cases liberty is granted and liberty is hereby granted to any person or persons whatsoever for soe much land as he or they may conveniently build such fitting house upon for securing such tobaccoes as shalbe brought thither in order to transporting the same to the warehouses appointed in this act, he or they who shall desire the same and build thereupon according as by this law is intended, paying to the owner thereof such price and prices as are sett downe and ordered to be paid in the act of assembly provided for lands, churches and mills, and that there be allowed free liberty of ingresse and egress to and from such house or houses not comitting any trespasse, And for encouragements of all that shall transport their tobaccoes to the appointed places mentioned in this act, *It is also hereby enacted* that noe executions, attachments or other processe in law shalbe executed or layd upon the said tobacco on the tyme of transportation thereof to the said appointed places or in the ware houses for any debt contracted before the passing this act, the party that transports such tobaccoes haveing first made oath before a magistrate that he is really and *bona fide* transporting the same to one of the said warehouses. And for encouragement of carpenters, sawyers, brickmakers, bricklayers, labourers and all other tradesmen whatsoever that will cohabbit, dwell and exercise their trades within the said appointed places or any of them, *It is hereby enacted by the authority aforesaid* that all such persons soe inhabiting shall within the lymitted bounds of the severall respective places be wholly freed from any arrest of their persons or seizure of their estates for such debts as were formerly contracted, for and during the terme and tyme of five yeares to come next after the publication of this law, not barring the creditor or creditors to sue for and receive their debts when that tyme of five yeares is expired, any law custome or usage to the contrary notwithstanding. *And it is hereby further*

Encouragem't
to carry tobac.
to the towns;
exempt'n from
execution or
attachment.

Encouragem't
for tradesmen

free from ar-
rests and exe-
cut'n for debts
previously
contracted, for
5 years.

enacted that all such trades and labourers cohabiting in the places aforesaid, and not planting, tending or making tobacco, shalbe freed and acquitt from paying any publique levyes during the terme of five yeares from the publication of this act. *Provided alwayes, and it is hereby meant and intended to be meant* that all such debts that shall accrue by any bargaine or contract made or to be made within the lymitts of the said appointed places or any of them, imediate process may be granted thereon, any thing in this law to the contrary notwithstanding. And for the more sure receiving all such tobacco as shalbe brought to the aforesaid stores or warehouses to the use and advantage of the owners thereof. *It is hereby further enacted by the authority aforesaid* that noe collector or collectors of levyes or parish tythables shall make distresse or seizure of any tobaccos in such places for publique, county or parish levyes or for sherriffes or clerkes fees, but that all sherriffes and publique collectors shalbe and are hereby enjoyned to collect and receive the tobaccos due in their collections as heretofore was usuall, and the publique or other creditors to receive the same accordingly. *And be it further enacted by the authority aforesaid and it is hereby enacted,* that for the better advancement of the price of tobaccos and lessening of freight, that noe merchant, factor, or adventurer whatsoever arriveing with any goods, wares, servants, slaves or other merchandizes whatsoever into this colony shall presume to buy, ship off or freight any tobacco whatsoever from of the before appoynted places at any tyme or tymes before the twentyeth of March 1681, by which tyme it may be presumed and beleived all tobaccos whatsoever which shalbe made in this colony may be brought to the said appointed places, under the penalty of forfeiting and loosing all such goods, wares, &c. And all tobaccos soe purchased one halfe to his majestie and the other halfe to him or them that shall and will informe and sue for the same, any law, usage or custome to the contrary thereof in any wise notwithstanding. *Provided alwayes, and it is hereby meant and intended* that this restriction shall continue two yeares from the said twentyeth of March and noe longer; *Provided alsoe* that notwithstanding any thing in this act conteyned, any inhabitants dwelling within the said appointed places shall have liberty to sell such

Further encouragement to such, not to make tobacco

Exemption not to extend to debts contracted within the town.

Tobacco not to be seized in stores or ware house, for levies or fees.

No tobacco to be shipped before twentieth March, 1681

Penalty.

Restriction to continue two years.

Proviso.

goods and merchandizes as they have of their owne at any time. *Provided alsoe, and it is hereby enacted* that if two or more countyes lying convenient to each other shall within the two months before recyted agree together at one comon place and towne for such their county and lay out the ground for the same in comon betwixt and amongst them, and there build houses as by this act is enjoyned, that then such one towne soe agreed on and appointed laid out and built shall serve and be sufficient for such two or more countyes, any thing in this law to the contrary notwithstanding, *And it is hereby further enacted* that all magistrates take due care to see this act be strictly observed and put in execution.

ACT VI.

Edi. 1733 and
1752.

An act imposing and ascertaining attorneys fees.

Purvis 267.

Preamble.

WHEREAS all courts in this country are many tymes hindred and troubled in their judiciall proceedings by the impertinent discourses of many busy and ignorant men who will pretend to assist their freind in his busines and to cleare the matter more plainly to the court, although never desired or requested thereunto by the person whome they pretended to assist, and many tymes to the destruction of his cause, and the greate trouble and hindrance of the court; for prevention whereof to the future, *Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid* that noe person or persons whatsoever shall practice as an attorney or appeare to plead in the generall court or any county court in this country but such as shalbe first lycensed by his excellency or successors thereunto, and that any one that shall presume to plead in the generall court or any county or other court without such lycense first obtained and had, shall forfeite for every such offence comitted in the generall court two thousand pounds of tobacco, and for every such offence comitted in the county court six hundred pounds of tobacco, the one halfe to our sovereigne lord the king, his heires and succes-

None to practice as attorney in gen. or county courts, unless previously licensed by the governor.

Penalty.

sors, and the other halfe to the informer to be recovered by action of debt, bill plaint or information in the said court or courts where such offence shalbe comitted. *And be it further enacted by the authority aforesaid* that noe attorney or attorneys soe lycensed as aforesaid, take, demand, or receive from any person or persons, more for any cause in the generall court and bringing the same to judgment, then five hundred pounds of tobacco and caske, and for any cause in the county courts and bringing the same to judgment more then one hundred and fifty pounds of tobacco and caske. *And it is hereby declared and enacted* that every attorney or attorneys shall have for every cause he undertakes in the generall court, five hundred pounds of tobacco and caske, and for every cause he undertakes in the county court, one hundred and fifty pounds of tobacco and caske, which he may lawfully clayme without any preagreement made with the partyes for the same. *And be it further enacted by the authority aforesaid, and it is hereby enacted* that all such attorney and attorneys that shall refuse to plead any cause in the generall court for the aforesaid ascertained fee of ffive hundred pounds of tobacco and caske, shall forfeite and pay to the person greived ffive hundred pounds of tobacco and caske, after legall conviction, on due prooffe thereof made, to be recovered by due processe of law; and upon refusall of any cause in the county court shall pay to the party greived one hundred and ffifty pounds of tobacco and caske, after legall conviction as aforesaid, to be recovered by due processe of law. *Provided alwayes* that this act nor any clause therein shall not extend to debarr any man that is capable of pleading and manageiug his owne cause and busines in any the said generall or county courts, but that he may be permitted and allowed to plead and manage his owne businesse, any thing in this act to the contrary notwithstanding.

Fees of attornies,

in the generall court;

in the county courts.

Pen'ty for refusing to plead for the legal fee.

Any person may plead his own cause.

ACT VII.

An act asserting the time when Negroe Children shall be tythable.

Edit. 1733 and 1752.

WHEREAS it is deemed too hard and severe that children (as well christians as slaves) imported into this colony should be lyable to taxes before they are

Purvis 269.

Preamble

Negro children imported to have their ages adjudged by the courts.

capable of working, *BEE it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid, that all negroe children imported or to be imported into this colony shall within three months after the publication of this law or after their arrivall be brought to the county court, where there age shalbe adjudged of by the justices holding court, and put upon record, which said negroe, or other slave soe brought to court, adjudged and recorded shall not be accompted tythable untill he attaines the age of twelve yeares, any former law, usuage, or custome to the contrary notwithstanding. And be it further enacted by the authority aforesaid, and it is hereby enacted, that noe christian servants imported into this colony shalbe tythable before they attaine the age of fourteene yeares any former law, usuage, or custome to the contrary notwithstanding.*

Tythable at 12 years of age.

Servants tythable at 14.

ACT VIII.

Edit. 1733 and 1752.

An act lycensing a free trade with Indians.

Purvis 270.

BEE it enacted by the kings most excellent majesty by and with the consent of the generall assembly, that all former acts of assembly restrayning, lymitting and forbidding tradeing with Indians be, and stand hereby repealed, and they are hereby repealed, and that henceforth there be a free and open trade for all persons att all tymes and places with our freindly Indians, And that this act continue in force untill the next session of assembly.

Free trade allowed with all friendly Indians.

Limitation of this act.

Edit. 1733 and 1752.

An act asseraining allowances for caske.

Purvis 271.

Eight per cent allowance for caske, in public county and parish levies.

BEE it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted that from and after the publication of this law the allowance for caske for publique, county, and parish levyes, and for clerks and sherriffes

fees be eight per cent and noe more, and that all sher-
riffes and other collectors of the same shall allow the
planter or others eight per cent for his caske as afore-
said, upon penalty of paying for refuseing soe to doe
one hundred pounds of tobacco to the party greived
and to whome he shall deny such allowance, and on
due prooffe made thereof, to be recovered by action of
debt in any court of record, or before one single jus-
tice of the peace if the same exceeds not two hundred
pounds of tobacco.

ACT X.

An act for preventing Negroes Insurrections.

Edit. 1733 and
1752.

WHEREAS the frequent meeting of considerable
numbers of negroe slaves under pretence of feasts
and burials is judged of dangerous consequence;
for prevention whereof for the future, *Bee it enacted
by the kings most excellent majestie by and with the
consent of the generall assembly, and it is hereby enact-
ed by the authority aforesaid,* that from and after the
publication of this law, it shall not be lawfull for any
negroe or other slave to carry or arme himselfe with
any club, staffe, gunn, sword or any other weapon of
defence or offence, nor to goe or depart from of his
masters ground without a certificate from his master,
mistris or overseer, and such permission not to be
granted but upon perticuler and necessary occasions;
and every negroe or slave soe offending not having a
certificate as aforesaid shalbe sent to the next constable,
who is hereby enjoyned and required to give the
said negroe twenty lashes on his bare back well layd
on, and soe sent home to his said master, mistris or
overseer. *And it is further enacted by the authority
aforesaid* that if any negroe or other slave shall presume
to lift up his hand in opposition against any christian,
shall for every such offence, upon due prooffe made
thereof by the oath of the party before a magistrate,
have and receive thirty lashes on his bare back well
laid on. *And it is hereby further^s enacted by the au-
thority aforesaid* that if any negroe or other slave shall
absent himself from his masters service and lye hid

Purvis 272.
Preamble

No negro, or
other slave to
carry arms, of-
fensive or de-
fensive;

or go from his
owner's plant-
ation without
a certificate,
&c.

Punishment

For lift'g hand
ag'st a Chris-
tian.

Negroes lying
out and doing
mischief, and

refusing to be apprehended, may be killed.

This law to be published at L county c'rts & parish churches, every six months.

and lurking in obscure places, committing injuries to the inhabitants, and shall resist any person or persons that shall by any lawfull authority be employed to apprehend and take the said negroe, that then in case of such resistance, it shall be lawfull for such person or persons to kill the said negroe or slave soe lying out and resisting, and that this law be once every six monthis published at the respective county courts and parish churches within this colony.

ACT XI.

Edit. 1733 and 1752.

An act for presentation and delivery of greivances.

Parvis 273.

Preamble.

Sheriff, before any session of assembly to appoint a time and place for receiving greivances of the people.

FORASMUCH as it hath beene too frequent by the practice of ill disposed and seditious persons to deliver to their burgesses, and they to the assemblies, scandalous and seditious papers, and to entitle and call them the greivances of the inhabitants of such county or countyes wherein they dwell, neither giving or presenting the same in lawfull manner, nor in truth being knowne to any other his majesties good subjects of such county whose title they beare; *Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid* that the sherriffe of each county shall before every session of assembly appoint a tyme and place for presenting, giving and receiving all county greivances which shall be signed by the partyes giving the same and attested by the clarke of the county court, or chief magistrate soe to be, and all other private propositions or perticuler agrievances shall be signed by the partye delivering the same, or not to be received into the assembly.

All propositions to be signed.

ACT XII.

Edit. 1733 and 1752.

An act prohibiting the transportation of raw hides and Deer Skins.

Parvis 274.

BEE it enacted by the kings most excellent majestie by and with the consent of the generall assembly and it is hereby enacted, that from and after the publi-

eration of this act it shall not be lawfull for any person or persons whatsoever to export out of this his majesties colony of Virginia any untanned (a) hides or deer skins upon the penalty of paying for every raw hide or deer skin one hundred pounds of tobacco and caske, that shalbe found on board of any ship, boate, sloop or other vessell in order for such exportation, over and besides the forfeiture of all such raw hides or deer skins soe found for exportation; the one halfe to his majestie his heires and successors, and the other halfe to him that shall make information thereof. And all collectors of the two shillings per hoghead or penny per pound customes are hereby required and enjoyned on every information or suspicion of such exportation to make diligent search and seizure accordingly.

Exportation of untanned hides or deer skins prohibited.

Penalty

ACT XIII.

An act prohibiting unlawfull disturbances of divine service.

Purvis 252, & Ed. 1733, 1752 and 1769.

BEE it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid, that whosoever from and after the publication of this act shall appear in any church or chappell within this his majesties colony whilst the minister is exerciseing his ministerial ffunction, and shall disturb him by words, or any other manner or meanes whatsoever, or shall there appear in any unseemly or undecent gesture, any justice, sherriffe or other officer then present, shall put such person or persons soe offending under restraint during divine service, who shall alsoe for the first offence be fyned two hundred pounds of tobacco and caske, and for every such offence as shalbe by them or any of them committed after in the like quality, shalbe five hundred pounds of like tobacco and caske for every such offence, which fines shalbe leyed by the sherriffe upon the estate of the person or persons soe offending, by virtue of a warrant from a justice

Disturbers of divine worship may be restrained and fined.

for 1st offence 200 lbs. tobacco, and subsequent offence 500.

Various Readings.

a) "Unattainted" in Purvis

Justice failing
to execute this
law fined 500
lbs. tobacco.

of the peace, for the use of the parish, and such justice of the peace that shall refuse or neglect to put this law into severe execution shall be fined five hundred pounds of tobacco and caske to the use of the parish for every such neglect.

ACT XIV.

Edi. 1752.

An act reviving and reinforcing an act made at James Citty the 20th of October 1665, and putting the same in due execution.

Purvis 277 and
edit. 1733.

Act VIII of
Oct 1665, en-
forced.
(See an.p.218.)

BEE it enacted by the kings most excellent majestie, by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid, that the eighth act of assembly made at James Citty the twentyeth of October 1665 (intituled an act concerning Indians) be and it is hereby revived and reinforced to the end the same be put in due and effectuall execution.

ACT XV.

Edi. 1733 and
1752.

An act for the well clearing the heads of rivers and creeks from loggs and trees for the safe passing of sloops and boules.

Purvis 277

Preamble.

County courts
annually, in
June or July,
to order the
surveyors of
rivers to clear
them of logs,
trees, &c.

WHEREAS the neglect of clearing the heads and other parts of rivers and creeks from loggs, trees, roots of trees and other rubbish hath occasioned and endangered the losse of severall sloops, boats, tobaccoes and merchandizeing goods, in carriage thereof to and from the ships, for the better prevention thereof for the future, *Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the aforesaid authority, that from and after the publication of this law the respective justices of the severall county courts doe annually in June or July courts appoint and order the surveyors for the rivers to cleare all and all manner of loggs, trees, roots of trees and other rubbish as may any wayes hurt and endanger any sloop, boate or*

other vessell from out the respective rivers or creeks, heads, or parts of any river or rivers, creeke or creeks within their county and lymitted bounds as surveyors, which said clearing and removall of all loggs, trees, rootes of trees and other rubbish shalbe as aforesaid annually ordered by the justices to be done, and by the surveyors thereto appointed to be effectually performed according to the true intent and meaning of this act under such paines and penalties for every delinquent offender as are sett downe in the seaventy ninth act of assembly in the printed booke, intituled *surveyors for high wayes*. And if any shall presume to fall trees into the rivers or creeks, and not cleare the same, the offender shalbe fined ffive hundred pounds of tobacco for the ffirst offence to the use of the county, and for the second one thousand pounds of tobacco to the use aforesaid.

Penalty.

For fall'g trees into rivers or creeks and not clearing them away.

ACT XVI.

Additional ffees assertedained to County Court Clerks.

Edit. 1733 and 1752.

Purvis 278.

BEE it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted that those additionall ffees hereafter sett downe over and besides the ffees nominated in the printed booke be demanded and taken by county court clerkes as just ffees and none otherwaies :

Addit'nal ffes to co'ty court clerks.

(See an.p.455.)

Pounds Tobacco.

ffor writing a pair of indentures if amongst the parties they can agree, if bound by the court.	}	40
ffor a bond		
ffor a retraxitt		4
ffor ffilyng and indorsing bill, action, petition or such like.	}	3
ffor all answers of petitions if writt by themselves.		
If not writt by themselves, and soe for a petition.	}	5
ffor a warrant by command of court or justice		
ffor a chancery bill if written in the way of other usuall petitions, and exceed not one side of a whole sheete of paper.	}	20

ff more every such side	10
Recording the pannell of a jury and their oath	10
Retorning and recording executions	10
Retorning and recording attachments	5
Recording the acknowledgment for satisfaction of a judgment	} 40(a)
ffor taking inventories of estates at appraisements and outcryes if the clerke be employed he ought to be agreed with for that his attendance, or if not agreed with the court to award for his paines and trouble as they see cause.	
ffor retorning administrations and probatts of wills with the security into the secretaries office haveing a certificate from the office of haveing soe done	} 40
ffor procureing and signing of administrations and probatts	
ffor writeing and publishing any persons departure, or for stray horses or such like att the court house door, if writt by themselves	} 05
ffor recording the same	
ffor acknowledging land in court and recording thereof and copy	} 25
ffor acknowledging dower and recording thereof	
ffor a caveatt	
ffor entring and retorning references in the dockett	} 5
ffor a quietus and recording itt	
ffor a bill of costs	3
ffor a private court attendance there	200
ffor attendance att the executing a dedimus and retorne thereof to the office	} 100
ffor retorneing appeales and securityes	
ffor recording the issueing an execution(b)	30

Pen'ty on ciks.
exacting more
than legal fees.

And if any clerke of a county court shall exact or take greater sumes for any flee then is here or in the printed booke, or by any other law sett downe and established, and shalbe legally convicted therein, such

Various Readings.

(a) 10 in Purvis

b) 'Attachment' in Purvis

person soe offending shall forfeite for every pound of tobacco soe exact and taken, tenn pounds of like tobacco to the person or persons soe overcharged to be recovered by action of debt, any law, custome or usage to the contrary notwithstanding.

ACT XVII.

An act restraining strikeing and killing fish at unseasonable times.

Edit. 1733 and 1752.

The inhabitants and freeholders of the severall counties of Gloster, Middlesex and Lancaster by their burgesses at this assembly complaining that the striking and killing of fish with giggs, and harping irons, is very prejudiciall, injurious, and destructive to themselves in perticular, and the whole country in generall, and praying that by a provinciall law there may be a restraint put upon such strikeing, and destructive killing of fish betwixt the months of March and November.

Purvis 280.

[From *Charles City MS.*]

Bee it therefore enucted by the kings most excellent majestie, by and with the consent of the generall assembly, and it is hereby enacted by the autoritie aforesaid that from henceforth it shall not be lawfull betwixt the first day of Aprill, and the first day of November for any person or persons whatsoever to kill or strike any fish whatsoever within the bounds and limits on the waters or shoars of Gloster county, Middlesex county, or Lancaster county, with gigg, harping iron, or any other such like instrument made or to be made of iron, wood or otherwayes, upon pennaltie of forfeiting and paying for every time such person shall be lawfully convict thereof five hundred pounds of tobacco and caske, one halfe to the kings majestie his heires and successors, and the other halfe to him or them that shall informe thereof and sue for the same, to be recovered against every such offender or offenders in any of his majesties courts in this colony of Virginia by

No fish to be struck or killed with giggs or harp'g irons, within certain counties, between the month March & November.

action of debt, bill, plaint or information, any lawe. usage or custome to the contrary notwithstanding.

Signed by LORD CULPEPER, *Gov'r.*
THOMAS BALLARD, *Speaker.*

A true Copie, Test,
ROBERT BEVERLEY, Cl. Assembly.

The assembly adjourned to the 15th Feb. 1680-1.
R. B. Cl. Assembly.

Att a grand assembly beginning at James Citty, June the 8th, Anno Dni 1680 Annoq. Regni Rs. Carol Scdi XXXII.

Servants, con-
signed to mer-
chants & not
sold, not to pay
taxes.

ITT being proposed to this assembly whether ser-
vants consigned to merchants be lyable for payment
of their levyes if not sold or disposed of before the
tenth of June. *It is declared by this assembly that such
servants soe unsold ought not to be listed as tythables
that yeare.*

Frauds in ser-
vants' inden-
tures

How judgm't
to be given
thereon.

A PROPOSITION being brought to this assembly
for giving a rule to try servants indentures coming
into this country, and diverse blank indentures and of-
fice certificates signed by the office keeper or register,
or deputy register, and sealed with the office or registers
seal, being produced to this assembly whereby it mani-
festly appears such indentures and office certificates
cannot reasonably in themselves without better testi-
mony or at least greate circumstance be accounted
vallid and good, and because many and different argu-
ments and proofes may appeare for or against such as
may happen to be produced. *This assembly doe de-
clare that the former lawes doe suffitiently direct con-
cerniag indentures, and that all justices are obliged to
give judgment in such matters when they come before
them according to such prooffe by evidence or other-
wayes as shalbe manifest to them and according to the
best of their judgment therein.*

IT being proposed to this assembly whether it is in the power of sherriffes, upon entry of actions against masters, marriners or others belonging to, or on board any ship or ships rideing att anchor in the respective rivers, ports or harbors of this his majesties colony to enter on board any ship or ships or other vessells rideing in the river or rivers, rhodes or harbour appertaining to and accounted within the precincts of that county wherein he is sherriffe, and there serve such arrest or processe as the entry of the actions or warrauts directs.

Sheriffs authorised to execute process on board vessels.

This assembly doe declare that it alwayes was and still is within the authority and power of all sherriffes and their lawfull deputies to make arrests and execute warrants as well on board ships or other vessells rideing in the lymitts and precincts of their countyes or rivers, or harbours adjoyning thereunto, equall and alike with their authority and power on land in their counties in like cases, and this to continue in force untill there be courts of admirality settled.

~~ORDERED~~

ORDERED that one hundred and sixteene per pole be levied and paid this yeare for defraying the publique debts, and that forty seaven per pole be levied and paid this next ensueing yeare for defraying the charge of the foure garrisons at the heads of the rivers this next ensueing yeare according to an act of this assembly.

Revenue.
Poll tax.

Vera Copia Test,

ROBERT BEVERLEY, Cl. Assembly.

GENERAL ASSEMBLY,

Ed Culpeper
governor.

BEGUNN ATT JAMES CITY NOVEM. THE TENTH ANNO
DOM. 1682, AND IN THE 34TH YEARE OF THE REIGN
OF OUR SOVERAINE LORD KING CHARLES THE
SECOND, BY THE GRACE OF GOD OF EN-
GLAND, SCOTLAND, FRANCE AND
IRELAND, KING, &c.

ACT 1.

Edit. 1733 and
1752.

*An act to repeale a former law making Indians and
others ffree.*

Purvis 282.
(See an.p.283.)

Preamble, re-
citing the act
of 1670, where-
by serv'ts, not
being Christi-
ans, imported
by shipp'g are
declared to be
slaves, & those
brought in by
land, to serve,
if boys or girls,
till 30 years of
age, & if men
or women, 12
years.

WHEREAS by the 12 act of assembly held att
James City the 3d day of October, Anno Domini
1670, entituled an act declareing who shall be slaves,
it is enacted that all servants not being christians,
being imported into this country by shipping shall
be slaves, but what shall come by land shall serve if
boyes and girls untill thirty yeares of age, if men or
women, twelve yeares and noe longer; and for as
much as many negroes, moores, mollatoes and others
borne of and in heathenish, idollatrous, pagan and ma-
hometan parentage and country have heretofore, and
hereafter may be purchased, procured, or otherwise ob-
teigned as slaves of, from or out of such their heathen-
ish country by some well disposed christian, who after
such their obtaining and purchaseing such negroe,
moor, or molatto as their slave out of a pious zeale,
have wrought the conversion of such slave to the
christian faith, which by the laws of this country doth
not manumitt them or make them free, and afterwards

* The commencement, as well as the facts of this session, taken from the Northb. MS. which substantially agrees with the other MSS. with Purvis, and the edi. 1733 & 1752. This is the first time that the term *General Assembly* is used in the Northb. MS. which appears from this place forward to be in a different hand writing

such their conversion, it hath and may often happen that such master or owner of such slave being by some reason inforc'd to bring or send such slave into this country to sell or dispose of for his necessity or advantage, he the said master or owner of such servant which notwithstanding his conversion is really his slave, or his factor or agent must be constrained either to carry back or export againe the said slave to some other place where they may sell him for a slave, or else depart from their just right and tytle to such slave and sell him here for noe longer time then the English or other christians are to serve, to the great losse and damage of such master or owner, and to the great discouragement of bringing in such slaves for the future, and to noe advantage at all to the planter or buyer; and whereas alsoe those Indians that are taken in warre or otherwise by our neighbouring Indians, confederates or tributaries to his majestie, and this his plantation of Virginia are slaves to the said neighbouring Indians that soe take them, and by them are likewise sold to his majesties subjects here as slaves, *Bee it therefore enacted by the governour councell and burgeses of this general assembly, and it is enacted by the authority aforesaid, that all the said recited act of the third of October 1670 be, and is hereby repealed and made utterly voyd to all intents and purposes whatsoever. And be it further enacted by the authority aforesaid that all servants except Turkes and Moores, whilst in amity with his majesty which from and after publication of this act shall be brought or imported into this country, either by sea or land, whether Negroes, Moors, Mollattoes or Indians, who and whose parentage and native country are not christian at the time of their first purchase of such servant by some christian, although afterwards, and before such their importation and bringing into this country, they shall be converted to the christian faith; and all Indians which shall hereafter be sold by our neighbouring Indians, or any other trafiqueing with us as for slaves are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents*

Further pre-
amble.

All servants, ex'pt Turks & Moors, while in amity with the king of England, whether Negroes, Moors, mulattoes or Indians, not being Christians, when purchased, tho' afterw'ds converted, and brought in by sea or land to be slaves.

Also all Ind'ns sold by neighbouring Indians or others trad'g with us to be slaves.

* The running title of the acts of this session in edit. 1733 and 1752 is, 'Anno tricesimo quarto Caroli secundi regis.'

and purposes, any law, usage or custome to the contrary notwithstanding.

ACT II.

Edit. 1733 and
1752.

An act declaring Indian women servants tithables.

Purvis 284.

Indian women
to be charged
with levies or
taxes the same
as negroes.

WHEREAS it hath bin doubted whether Indian women servants sold to the English above the age of sixteene yeares be tythable, *Bee it enacted and declared, and it is hereby enacted and declared by the governour, councill and burgesses of this generall assembly and the authority thereof,* that all Indian women are and shall be tythables, and ought to pay levies in like manner as negroe women brought into this country doe, and ought to pay.

ACT III.

Edit. 1733 and
1752.

An additionall act for the better preventing insurrections by Negroes.

Purvis 284.

Copies of this
act, & the act
of June, 1680,
(ante pa. 481)
to be obtained
by churchwardens,
& to be publicly
read in churches
twice a year.

WHEREAS a certaine act of assembly held at James Citty the 8th day of June, in the yeare of our Lord 1680, intituled, an act preventing negroes insurrections hath not had its intended effect for want of due notice thereof being taken; *It is enacted by the governour, councill and burgesses of this generall assembly, and by the authority thereof,* that for the better putting the said act in due execution, the church wardens of each parish in this country at the charge of the parish by the first day of January next provide true coppies of this present and the aforesaid act, and make or cause entry thereof to be made in the register book of the said parish, and that the minister or reader of each parish shall twice every yeare vizt. some one Sunday or Lords day in each of the months of September and March in each parish church or chappell of ease in each parish in the time of divine service, after the reading of the second lesson, read and publish both this present and the aforesaid act under paine such churchwarden minister or reader makeing de-

fault, to forfeite each of them six hundred pounds of tobacco, one halfe to the informer and the other halfe to the use of the poore of the said parish. And for the further better preventing such insurrections by negroes or slaves, *Bee it likewise enacted by the authority aforesaid*, that noe master or overseer knowingly permitt or suffer, without the leave or licence of his or their master or overseer, any negroe or slave not properly belonging to him or them, to remaine or be upon his or their plantation above the space of four houres at any one time, contrary to the intent of the aforescited act upon paine to forfeite, being thereof lawfully convicted, before some one justice of peace within the county where the fact shall be comitted, by the oath of two witnesses at the least, the summe of two hundred pounds of tobacco in cask for each time soe offending to him or them that will sue for the same, for which the said justice is hereby impowered to award judgment and execution.

No master or
overs'r to per-
mit a negro or
slaves to re-
main on his
plantation
above 4 hours,
without leave
of the owner.

Penalty.

ACT IV.

An act prohibiting the exportation of any iron, wool, woolfells, skins, hides or leather.

Edit. 1733 and
1752.

WHEREAS it is found by experience that iron, wool, woolfells, skins and hides tanned or untanned, of any deer, oxe, steer, bull, cow or calfe are very necessary and profittable for the use and support of the country, and would be found profitable for the setting to work many men, women and children in this country which lye idle for want of employment, and some naked for want of such necessaries as might be wrought out of the same, which they are kept from by reason of the great quantities of them yearly exported out of the country to the great impoverishment of the inhabitants thereof; ffor the better preventing and avoiding of such losses and inconveniences that have happened, and doe and may happen to this domi-
nion by and through the exportation and transportation, and by and through the carrying and conveying away of any iron, wool, woolfells, skins, hides, tanned or untanned, of any deer, oxe, steer, bull, cow or

Purvis 285.

Preamble.

calfe out of and from this country, and for the better setting to work the poorer and weaker sort of people of this country, and to the intent that the full and best use and benefit of such principle native comodities may come and redound, and bee unto and amongst the inhabitants of the same; The house of burgesses now assembled, doe pray that it may be enacted, *And bee it enacted by the governour, councill and burgesses of this generall assembly, and by the authority of the same* that noe person or persons whatsoever from and after the first day of January next, shall directly or indirectly export, transport, carry, convey or cause to be exported, transported, carried or conveyed out of, or from this dominion or country of Virginia, into any parts or places out of the same any iron, wool, woolfells, skins or hides, or any manner of leather, tanned or untanned of any deer, oxe, steer, bull, cow or calfe, nor shall directly, nor indirectly load or lay on board, or cause to be loaden, or laid on board in any ship, sloop, boate or other vessell, in any place or port within this dominion, any such iron, wool, woolfells, skins or hides, tanned or untanned of any deer, oxe, steer, bull, cow or calfe, except only such hides and iron as shall appeare by the oath of the owner to be directly transporting to some tanhouse or smyth in this country to be there wrought up. *And be it further enacted by the authority aforesaid,* that all and every the offender and offenders offence and offences aforesaid shall be subject and lyable to the respective paines, penalties and forfeitures hereafter following, that is to say, the said iron, wool, woolfells, skins or hides, or any manner of leather, tanned or untanned of any deer, oxe, steer, bull, cow or calfe, soe put on board to be exported, transported, carryed, conveyed or loaden contrary to this act shall be forfeited, and that every offender and offenders therein, shall forfeite forty pounds of tobacco for every pound of wool and woolfells, and one hundred and fifty pounds of tobacco for every skin or hide or any manner of leather, tanned or untanned of any deer, oxe, steere, bull, cow or calfe, and tenne pounds of tobacco for every pound of iron, and alsoe the owner or owners of the said ship or vessell knowing such offence, shall forfeit all their interest in the said ship or vessell, with all their apparell

Exportation
of iron, wool,
woolfells,
skins, hides &
leather prohi-
bited.

Penalty for
breach of this
act.

and furniture to them and every of them belonging, and the master mariner or seamen thereof knowing such offence, or being aiding or assisting thereunto, shall forfeit all their goods and chattells, and have imprisonment for the space of three months without baile or mainprize, the one moiety of which said penalties and forfeitures shall be to the kings majestie, his heires and successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information in any court of record, wherein noe essoigne, protection or wager of law shall be allowed; *And be it further enacted by the authority aforesaid* that every offence that shall be done or committed contrary to this act shall and may be enquired of, heard, examined, tryed and determined in the county where such iron, wool, woollfells, skins or hides, or any manner of leather tanned or untanned, of deer, ox, steer, bull, cow or calfe respectively, shall be soe laden or laid on board aforesaid contrary to this act, or else in the county where such offender shall happen to be apprehended or arrested for such offence, in such manner and forme, and to such effects to all intents and purposes as if the same offence had bin wholly and altogether committed and done at and in such county. *Provided alwaies, and be it enacted by the authority aforesaid* that noe person or persons whatsoever shall att any tyme hereafter be impeached for any offence aforesaid, unless such person or persons shall be prosecuted within two yeares next ensueing such offence committed. *And bee it further enacted by the authority aforesaid* that it shall and may be lawfull to and for any person or persons to seize, take and challenge to his or their owne use and behoofe, and to the use of the king, his heires and successors, all and all manner of such iron, wool, woollfells, skins or hides tanned or untanned of deer, ox, steere, bull, cow or calfe as he or they shall happen to see, find, know of or discover to be laid on board of any ship or other vessell or boate to the intent or purpose to be exported or conveyed out of the country, contrary to the true meaning of this act; and that such person or persons that shall happen soe to seize, take or challenge any such iron, wool, woollfells, skins or hides, tanned or untanned of deer, ox, steer, bull, cow or calfe as

How recover-
able.

Where trial
may be had.

Limitation of
prosecutions.

Prohibited ar-
ticles may be
seized.

Pen'ty for selling prohibited articles to persons not inhabitants, &c.

aforesaid, shall have the full moiety thereof to all intents and purposes. *And bee it further enacted by the authority aforesaid* that whatsoever person or persons shall from and after the first day of January next, sell, dispose, vend or barter, to or with any merchant, not being an inhabitant of this country, or to or with any master, mariner or other person belonging to any ship, vessell, boat or sloop, any iron, wool, woolfells, skins or hides, or any manner of leather, tanned or untanned of any deer, oxe, steer, bull, cow or calfe, the person or persons soe offending, and being thereof lawfully convicted, shall forfeite and pay for every hide or any manner of leather, tanned or untanned of any deer, oxe, steer, bull, cow or calfe one hundred pounds of tobacco, and for every pound of wool or woolfells, twenty pounds of tobacco, and for every pound of iron five pounds of tobacco, soe sold, disposed or bartered as is aforesaid, the one halfe to his majestie, his heires and successors, and the other halfe to him or them that will sue for the same by action of debt, plaint or information in any court of record wherein noe essoign protection or wager of law shall be allowed or granted. *And for the better putting this act into execution, Bee it enacted by the authority aforesaid,* that all justices of the peace in every respective county in this country be required and strictly enjoined upon notice to him or them given of any skins, iron, wool, woolfells, hides tanned or untanned of any deer, oxe, steer, bull, cow or calfe being on board any ship, sloop, boat or vessell, or of any opposition or resistance made in the seizure thereof, to issue out his warrant to the high sherriffe, under sherriffe, constable or other officers requiring them to goe on board such ship, sloop or vessell, and there to make diligent search and seizure of the said hides, skins, iron, wool, woolfells or any leather tanned or untanned found on board the shipp, sloop or vessell, or if any justice or justices of the peace upon request to him or them made, refuse or neglect to issue out warrant, or any sherriffe, under sherriffe or other officer shall refuse to execute such warrant, hee or they soe offending, shall forfeite three thousand pounds of tobacco and caske. And if any person or persons shall upon command made to him in his majesties name refuse to be aiding or assisting

Justices of the peace to enforce this act.

Penalty for resisting, or refusing obedience to a justice's warrant

to such sherriffe or other officer in the execution of such warrant, every such person soe offending shall forfeite the summe of one thousand pounds of tobacco and caske, one halfe of all such fines and forfeitures to be paid to the kings majestie, the other halfe to him or them that will informe, to be recovered as is before directed. *And it is further enacted by the authority aforesaid*, that every collector in this country shall att the entry of every ship or vessell acquaint every master of such ship or vessell with this act, and enter a perticular clause in the condition of their entry bond for the performance of the same. *Provided alwaies* and it is the true intent and meaning of this act, that if any person or persons shall hereafter be sued or impleaded by vertue hereof for the breach of any clause or prohibition herein contained, upon the forfeitures or penalties herein before mentioned, expressed or provided, that then and in such case, such person or persons soe prosecuted, sued or impleaded, shall not be lyable or subject to be sued, impleaded or prosecuted by any other law heretofore made or provided against the exportation of any of the hides, iron, wool, skins or other things herein before enumerated; any other former law custome or usage to the contrary notwithstanding. *Provided alsoe* that this act shall continue in force untill the tenth day of November, which shall be in the yeare of our Lord 1685, and from thence to the end of the next session of assembly.

Duty of collectors.

Proviso.

Limitation of this act.

ACT V.

An act directing how commissions of dedimus potestation and other writts shall issue.

Edit. 1733 and 1752.

WHEREAS the present course of signing commissions of dedimus potestatem, writts of execution and attachment by the governour in causes depending in the generall court, is found by experience to be very burthensome and greivous to suiters; the burgesses now assembled doe pray that it may bee enacted, *And bee it enacted by the governour, councill and burgesses of this present generall assembly, and by the authority*

Purvis 289.

Preamble.

Commissions to examine witnesses or writs of *dedimus potestatem* to be signed by any member of the council.

thereof, that all writs or commissions to examine witnesses called *dedimus potestatem* at the request of either of the parties plaintiffe or defendant in any cause now depending, or which shall or may hereafter depend in the generall court, shall and may be issued and signed by any one of the honourable councill in such forme, and according to such rules and directions as are by law already prescribed and laid downe, and that all writs of execution and writs of attachment awarded by any order or judgment of the said court shall and may be issued forth of the secretaries office by the clerke there attending, and for that purpose authorized by the secretary, and by him signed without putting the parties to the trouble of attending or sending to the governour for his signe as bath bin formerly used, and all such writs to reterne to Mr. Secretaryes office, any former law, custome or usage to the contrary notwithstanding.

Executions & attachments may be issued by an attend'g clerk, in the secretary's office.

ACT VI.

Edit. 1733 and 1752. *An act repealing the 6th act of assembly of June 1680, about atournics.*

Purvis 290.

Act VI of June 1680 (ante pa. 478) repealed.

FORASMUCH as the sixth act of assembly made at James Citty the 8th day of June 1680, (about atournies) is found inconvenient. *Bee it therefore enacted by the governour, councill and burgesses of this generall assembly, and it is enacted by the authority aforesaid, that the foresaid act of assembly, and every clause thereof from hence be repealed and made voyd.*

ACT VII.

Edit. 1733 and 1752. *An act disbanding the present souldiers in garrisons in the fforts on the heads of the severall rivers, as alsoe for the raiseing of other forces in their stead.*

Purvis 291.

Preamble.

WHEREAS the present garrisons in the severall forts built according to an act of assembly held, at James Citty the 8th day of June 1680, entituled, an act for continuation of the severall garrisons and

fortifications at the heads of the four great rivers, are by experience found, very burthensome and chargeable to the country, and for as much as the apprehensions of danger from the insurrections of certaine Indian enemies induced that assembly to erect those forts and place those garrisons in them, are for the most parte removed by peace concluded with those Indians then our enemies; the house of burgesses now assembled, doe pray that it may be enacted, *And bee it enacted by the governour, councell and burgesses of this generall assembly, and by the authority thereof,* that the said severall forts and garrisons be dismantled, and the forces, officers and soldiers therein and in each of them disbanded sometime between this and the thirtieth day of this instant, December, and that each officer and soldier by the time aforesaid, doe actually deliver up his horse, armes and furniture to the respective owners of them, and for as much as it may be dangerous and of evill consequence to leave the frontieires of the country and the heads of the aforesaid rivers altogether unguarded, *It is hereby enacted* that twenty men well furnished with horses and all other accoutrements be raised and listed in each of the counties of Henrico, New Kent, Rappahanock and Stafford, of such housekeepers belonging to the said counties as shall voluntarily offer themselves for this service, and for want of such or so many housekeepers, that then the said number shall be made of such freemen as shall willingly offer themselves, and give securitie to the militia officers of that county to performe all services and other things as by this act is enjoyed them; but in case such twenty men quallified as aforesaid, shall not be found in each of the said counties, then it shall and may be lawfull for the militia officers of the said counties to impresse such, and soe many men furnished as aforesaid as shall be wanting to compleate the number required by this act. And his excellency the governour generall, or in his absence the right honourable the lieutenant or deputy governour is hereby desired to make choice of and commissionate some fitt and able person in each of the foresaid counties who is a housekeeper therein to command, lead, traine, conduct and exercise the said twenty souldiers to be raised in the said county, of which he shall be appointed and commissioned by

Forts & garrisons built und. act June 1680, (ante pa. 469) dismantled, & soldiers disbanded.

Twenty men, well furnished to be raised in each of the counties of Henrico, New Kent, Rappahannock & Stafford, by voluntary enlistm't; or by impressment.

Officers, how appointed.

his excellency the governour generall, the lieutenant or deputy governour as aforesaid. *And it is further enacted* that the chiefe officers of the militia in each of the said respective counties shall make choice of the most able and fittest person out of such twenty men as to them shall seem most fitt and convenient to be corporall of the troope of that county, who in the absence of the captain of the said troope, occasioned by sickness or otherwise, is to lead, train, command and exercise the said troop, or company of twenty men.

Pay of officers and soldiers.

And bee it further enacted by the authority aforesaid, that the pay of each officer and soldier shall be as followeth: To the captain of each troop finding himself horse, armes, ammunition and provision, eight thousand pounds of tobacco with caske out of the publique leavy for one whole yeare, and soe after that rate for a longer or shorter time; to the corporall of each troope, three thousande pound of tobacco with caske as aforesaid for one whole yeare, and soe after that rate for a longer or shorter time; and to each soldier finding himselfe horse, armes furniture, provision, ammunition and other necessaries as aforesaid, two thousand pounds of tobacco and caske as aforesaid, and soe after that rate for a longer or shorter time.

Discipline of troops

And bee it enacted by the authority aforesaid, that each captain, or in his absence his corporall shall once every month muster, treine, exercise, instruct and discipline the troop or soldiers under his command on paine to forfeite five hundred pounds of tobacco in caske for each time he shall neglect such muster or exercise unless occasioned by sickness. And that every captain or in his absence occasioned by sickness, his corporall shall at the least once in every fourteen daies range and scout about the frontiers of the county for which they serve, and in such other places as shall be most likely for the discovery of the enemy under paine of forfeiting for every time he shall neglect such ranging and scouting one thousand pounds of tobacco in caske.

Must range on the frontiers.

Penalty for neglect.

And that every soldier that shall neglect or omitt to appeare at such muster, shall forfeite one hundred pounds of tobacco in caske, and for not scouting and ranging as aforesaid, the summe of two thousand pounds of tobacco and caske for every such default, all which forfeitures to be recovered by action of debt by him or them that will informe, the one halfe to the

informer, the other half to the use of the county. *And be it further enacted by the authority aforesaid, that upon notice, advice or discovery of the approach or attempt of any enemy, the said captain or corporall of the troop is hereby required to give speedy advice thereof to some one or more of the cheife officers of the militia, and he or they to his excellency the governour, the right honourable deputy governour or some one of the honourable councill, and in the meane time to observe and attend the motion of the enemy, only unlesse he shall obstinately persist to commit acts of hostility, and in such case of necessity to engage and destroy them if he shall see cause, and in all things to attend and execute such orders and commands as he shall receive from the governour and councill. And it is further enacted, that for their better management and ordering their horses and making them fitt for service, noe soldier presume to use or bring to service any other horse then that only which shall be first mustered and approved, of which each captain is to take such perticular notice as that he may know the horse againe, unlesse in case such horse shall be by some accident made unfitt for service, in which case such soldier may provide himselfe of another able horse in his stead, which he is likewise not to part with, unlesse for his first horse againe; and this act to continue in force for three yeares from the first day of January now next ensuing. Provided always, and be it enacted by the authority aforesaid, that the aforerecited act of the 8th of June 1680, intituled, an act for continuation of the severall garrisons and fortifications at the heads of the four greate rivers be repealed, and it is hereby repealed for three yeares under his majesties good likeing, and after untill his majesties pleasure shall be signified to the contrary; any thing herein to the contrary notwithstanding.*

Notice to be given to militia officers of the approach of Indians.

What horses to be kept for service.

Limitation of this act.

Act of 8th of June, 1680. (ante pa. 469) repealed for 3 years.

ACT VIII.

An act imposing further penalties upon any person or persons that shall publish or declare that the acts of assembly of Virginia are not of fforce.

Edit. 1752.

Purvis 294 and Edi. 1733.

THIS assembly takeing into their serious consideration that divers ill disposed persons, wickedly intending to invallid the lawes of this country and

Preamble.

Penalty for uttering or publishing by words or writ'g, that the acts of assembly of Virginia, are not binding

For the first offence.

For the second offence.

For a subsequent offence.

bring them into contempt and disrepute, have moved and stirred certain doubts whether there be any lawes in force and efficacy soe as to be binding to his majesties subjects, being in this his majesties dominion of Virginia. For preventing of such mischeifes, *Bee it enacted by the governour, councill and burgesses of this generall assembly, and it is hereby enacted and declared,* that if any person or persons shall at any time or times after the publishing of this present act maliciously and advisedly utter, publish and declare by words or writing, that the acts of assembly of Virginia not repealed, expired, vacated or annulled by the kings most excellent majestie are not of force or binding within this his majesties dominion, to all his majesties subjects inhabiting or being therein, such person or persons soe offending shall be adjudged, deemed and taken to be factious and seditious and contemnners of the lawes, and being thereof lawfully convicted, shall for the first offence bee fined one thousand pounds of tobacco, and suffer one months imprisonment, without bayle or mainprize and for the second offence, two thousand pounds of tobacco and two months imprisonment, and for every such offence after double the penalties and forfeitures aforesaid, one half of which forfeitures to the kings majestie, his heires and successors, and the other halfe to the informer, to be recovered by action of debt in any of his majesties courts in this his majesties country, which said penalties are to be added and imposed over and besides all other punishments that may be legally inflicted on such offenders.

ACT IX.

Edi. 1733 and 1752.

An act repealing an exception in the 9th act of assembly made anno 1664.

Purvis 295.

(See an p.213.)

WHEREAS the 9th act of assembly made at James City the 20th of September 1664, intituled an act concerning arrests in court time, exemts the inhabitants of James City county from the benefit thereof, leaving them liable to arrests in the time of generall courts and assemblies, which is found injurious to many of the inhabitants of the said county; *Bee it therefore enacted by the governour, councill and bur-*

gesses of this generall assembly, and it is enacted by the authority aforesaid, that the latter clause of the said recited act (whereby the inhabitants of the said county are excepted out of the said act) be repealed and made void, and that the inhabitants of the said county have equall benefit of the said recited act, with the other inhabitants of this country. Provided alwayes, nevertheless that this act shall not extend to the inhabitants of James City, but that they and every of them shall be lyable to arrests in court time, as though the exception in the said act of assembly, Anno 1664, did still remaine in full force; any thing in this act aforementioned to the contrary notwithstanding.

So much of act IX of 1664, as excepts the inhabitants of Jas. City county from privileges of that act, repealed; but inhabitants of James City, still liable to arrests in co't time.

ACT X.

An act that witnesses be free from arrests.

FORASMUCH as many persons summoned or subpoenaed as evidences in causes depending in the courts of this country many times faile in appearing for feare of being arrested when they appeare at court as witnesses, whereby many times many inhabitants of this country loose their suites and just dues; *Bee it enacted by the governour, councill and burgesses of this generall assembly and bee it enacted by the authority aforesaid, that from henceforth all persons subpoenaed as evidences or witnesses in any cause or matter depending in any court in Virginia, shall be free from arrests for any debt or trespass (except at the kings suite) dureing their attendance att courts and their direct coming to court and returning home, &c.*

Edit. 1733 and 1752.

Purvis 295.

Preamble.

Witnesses subpoenaed to any court, privileged from arrest, except at the king's suit, during their com'g to and remaining at court, and their return'g home.

ACT XI.

An act for the encouragement of the manufactories of linnen and wollen cloth.

BEE it enacted by the governour, councill and burgesses of this generall assembly, and it is hereby enacted by the authority aforesaid, that what person or persons shall produce to the county court where he or they

Edit. 1733 and 1752.

Purvis 296.

Premium for producing flax seed and hemp seed

shall reside, a certificate under the hands of two justices of the peace of the same county, (whereof one to be of the quorum) that such person or persons have produced to them upon oaths of his or there owne growth or manufactory, a greater or lesser quantity of flaxseed and hemp seed, or either of them shall have given and allowed him or them for encouragement to persist in soe usefull manufactures, for every peck of flaxseed four and twenty pounds of tobacco, and for every peck of hempseed, twenty pounds of tobacco, for which the county courte is impowered to give every person or persons certificate thereof attested by their clerk, which shall be a sufficient prooffe to the generall assembly to order the said person or persons their said encouragement out of the publike levy, *Provided* such certificates from the justice to the county court be filed at the courte and fixed up there to the intent that all persons whatsoever may have a view of the same. *And bee it further enacted by the authority aforesaid,* that what person or persons soever shall by his industry out of his owne growth and manufacture, work up his flax and hemp fitt for the spindle, and produce the same to the next county court, or make the same appeare by certificates as aforesaid, for every pound soe wrought up, either of flax or hemp, he or they shall be allowed two pounds of tobacco for his or their encouragements by the publike, and a certificate thereof shall be given from the county court to the generall assembly, which certificate shall be sufficient prooffe for him to be allowed out of the publike leavy. *And be it further enacted by the authority aforesaid,* that for the better and further encouragement of the aforesaid manufactory of hemp and flax, and for the working up our wool into cloth, that every person that shall make, or cause to be made, the said hemp or flax soe wrought to the spindle as aforesaid into linnen cloth, that such person or persons shall be allowed for every ell of such linnen that shall be three quarters of a yard wide or more six pounds of tobacco, and for every yard of woollen cloth or lincywoolcy of the like breadth six pounds of tobacco to be paid by the publike, such person or persons producing the said linnen or woollen cloth or lincywoolcy to the county courte, where he or they shall reside, who are hereby required and im-

Proviso.

Premium for dressed flax or hemp.

For linnen cloth.

For woollen cloth and lincywoolcy.

powerd to examine and enquire and take prooffe that the said linnen and woolen or lincywooly are of their proper growth and manufactory, and accordingly certifie the same to the next assembly which certificate, shall be received as prooffe to the assembly for the allowing thereof out of the publique levy. And whereas it is well hoped that by the encouragement aforesaid that there will bee such great quantities of flax and hemp seed produced in this country as will abundantly furnish the inhabitants for the ends and purposes hereafter mentioned, and that the said inhabitants be remembered carefully to provide themselves seed the next ensuing year for the year following. *Bee it further enacted by the authority aforesaid*, that every tythable person that shall be in the country in the year 1684, according as he is usually noted or sett downe in the lyst of tythables shall make, or cause to be made, one pound of drest flax and one pound of drest hemp or two pound of either, and yearly and every year thereafter, under the penalty of fifty pounds of tobacco for every pound of flax or hemp neglected or omitted to be made as aforesaid, the same to be paid, the one halfe to the county, the other to the informer by such master, owner or overseer of any family or company of servants, or any other tythable that shall be found to neglect or omitt as aforesaid. And for the better discovery of such neglect or omission, that all masters, owners or overseers who have the charge of families and companies of servants and other tythables, shall at some convenient time before the laying of the leavies in the respective counties produce before some justice of the peace of the county the foresaid quantities of hemp or flax as is herein enjoyned to be made, and the same deliver upon oath, which oath the said justice is hereby impowered to administer that the flax or hemp soe produced is of his owne growth and manufactory. *And be it further enacted by the authority aforesaid*, that there shall be allowed and paid out of the publique leavy for every well wrought hatt made of wool or furs in this country to the maker thereof ten pounds of tobacco, and for every dozen paire of men or womens woolen or worsted hose, twelve pounds of tobacco, to be proved and certified in such manner and forme as is in this act before expressed for linnen and woolen

Every tythable compelled to make 1 lb. of drest hemp and flax, or 2 lbs. either, annually.

Penalty for neglect.

How neglect to be discovered.

Premiums for hats.

For woollen or worsted hose.

Limitation of
this act.

cloth. *Provided alwaies neverthelesse, and it is the true intent and meaning of this act that this law shall continue in force untill the tenth day of November, which shall be in the yeare of our Lord 1685 and noe longer, any thing in this act before contained to the contrary notwithstanding.*

ACT XII.

Edit. 1733 and
1752.

An act for the advancement of manufacturies of the growth of this country, and for the better and more speedy payment of debts and leavies.

Purvis 298.

For encourage-
ment of manu-
facture &
the products of
the country, all
debts due in
money or to-
bacco may be
paid in the ar-
ticles, and at
the prices fol-
lowing.

FOR encouragement of manufacturies and improve-
ment of commodities of the growth of the country,
and alsoe ascertaining their rates and prices; *Bee*
it enacted by the governour, councill and burgesses of
this generall assembly, that all debts either in money
or tobacco contracted after the publication hereof in
this his majesties collony and dominion of Virginia,
where the debtor upon demand of the creditor cannot
pay the same in specie or kind, and shall upon his oath
declare before some one justise of the peace which oath
the said justice is hereby impowred and required to
administer, the summe of money or quantitie of tobac-
co he hath here or elsewhere, and shall make tender of
soe much towards payment of his debt, that then and
in such case it shall and may be lawfull for every such
debtor to make payment of his debt or the remainder
thereof in the comodities and manufacturies of this
country hereafter mentioned, at the rates and prices
hereafter following :

Denomination
& rates of ar-
ticles.

	<i>S. d.</i>	or	<i>Per. C.</i>
Tobacco at	10 00		
Wheat, English pease & Gar- ravances	4		40 per bus.
Barley, oates and other Indi- an pease	3 7 $\frac{1}{4}$		36 per bus.
Indian corne sheld	2		20 per bus.
flax from the brake and swin- gle	7 $\frac{1}{4}$		6 per lb.
Hemp rended, peeled & brak- ed	4 $\frac{3}{4}$		4 per lb.

Wool washt before sheering	9 $\frac{3}{4}$	or	8 per lb.
Butter	6	or	5 per lb.
Tallow	4 $\frac{3}{4}$	or	4 per lb.
fresh porke with head, fect, & leafe or without	12	or	120 per C.
fresh beefe	10	or	100 per C.
Inch plank for 1000 feet	4	or	800 per
Inch and halfe for 100 foot	12	or	120
Two inch plank for 100 foot	15	or	150
Tar in barrell containing 32 gallons	15	or	150
Pipe staves per 1000, 6 score to the C*	3	or	600
Hogshead staves per 1000, 6 score to the C	2	8	or 480
Barrell staves per 1000, 6 score to the C.	1	13	7 $\frac{1}{4}$ or 336
Buckskins drest each	2	4 $\frac{3}{4}$	or 24
Undrest	1	2 $\frac{1}{4}$	or 12
Doeskins drest each	1	9 $\frac{1}{2}$	or 18
Undrest	11	or	9

Which comodities must be at the time of tender, good, sound, wholesome and merchantable in their kind, and if any difference happen therein, the same shall be determined by two of the neighbourhood appointed and required thereunto by the next justice of peace. *Provided, and it is hereby enacted and declared that this act or any thing herein contained doth not extend to the quitrents or other his majesties dues or customes. Provided alwaies neverthelesse, and it is the true intent and meaning of this act, that this law shall continue in force untill the tenth day of November, which shall be in the yeare of our Lord 1685, and noe longer; any thing in this act before contained to the contrary notwithstanding.*

The articles must be wholesome and merchantable.

Differences as to quality, how determined.

This act not to extend to quitrents or public dues.

Limitation of this act.

ACT XIII.

An act for the publique leavie.

Edit. 1733 and 1752. Purvis 300.

BEE it enacted by the governour, councill and burgeses of this generall assembly, and the authority thereof, that the summe of eighty nine pounds of to-

Taxes for the year 1682.

* The letter C, in this place, stands for *Centum*, or a hundred.

bacco be paid by every tithable person within this his Majesties collony and dominion of Virginia for the defraying and payment of the publique charge of the country, being the publique leavy for this present yeare, and that it be paid by the collectors of the severall countyes to the severall persons to whome it is proportioned by this present generall assembly.

Signed by LORD CULPEPER, *Gov'r.*

THOMAS BALLARD, *Speaker.*

Vera Cop.

THO. MILNER, *Cl. Assembly.*

ATT THE COURT ATT WHITEHALL, DE-
CEMBER 21, 1681.

Present the Kings most excellent Majestie in Council.

Act V of June
1680 (ante pa.
471) suspend-
ed by the king
in council.

UPON reading a report this day at the boarde from the right honourable the lords of the committee for trade and foreine plantations setting forth, that haveing received a report from the commissioners of the customes upon an act made in virginia for cohabitation and encouragement of trade and manufecture which their lordships had referred unto them, and that finding the present act impracticable, they humbly offered that it might be referred to the Lord Culpepper, with direction that it might be taken into consideration by the council and assembly of Virginia, in order to the frameing such an act as might be more practicable and usefull, and not prejudiciall to his majesties customes, and in the meane while such part of the act now in being as concerns the time wherein the same is to take place as to the landing of goods, and shiping of tobacco be immediately suspended untill his majesties further order; his majestie was pleased to approve the said report and to order. *And it is hereby ordered* that the right honourable the Lord Culpepper, his majesties lieutenant and governour generall, or the commander in chiefe of Virginia for the time being, doe signifie his royall pleasure according to what is proposed in the said report.

FRANCIS GWYN.

Cop.

THO. MILNER, *Cl. Assembly.*

EXTRACTS

*From the Legislative, Executive and Judicial Proceedings of the Governor and Council of Virginia, as contained in the records of the General Court, formerly the Secretary's office, and in a MS. furnished the editor by THOMAS JEFFERSON, late President of the United States, which was purchased by him from the executor of Richard Blund, deceased.**

Extracts from the records of the General Court.

“APRIL the 20th, 1670.”—The complaints of severall of the councell and others, gent. inhabitants in the counties of Yorke, Gloster, and Middle-

Convicts (called ‘jail birds’) from the prisons in Eng’d, not permitted to be landed in Virginia.

* The following collection consists of such official documents, only, as tend to elucidate a very obscure part of our history; and is chiefly confined to the period embraced by this volume, from 1660 to 1682. Some few papers, however, of a subsequent date, which are necessarily connected with a subject before treated of, are added, for the purpose of preserving the narrative entire.—In making this collection, the Editor has had to wade thro’ an immense mass of crude indigested matter, thrown together without regard to method or chronological order. Perhaps in no civilized country whatever, were the records so badly arranged and kept as in the former *Secretary's* office of Virginia. The evil was so sensibly felt that it called for the interposition of the legislature, in the year 1674, who expressly say, in an act the title of which is, ‘*An act concerning the regulating the secretary's Office,*’ that it ‘appears that there hath beene a greate neglect in keeping the records in this country.’ It will be recollected that the *Secretary* had the superintendance, not only of the records of the *quarter*, afterwards *general court*, but of the land papers also; so that, in effect, his office answered to that of the present *Clerk of the general court* and *Register of the land office*. It seems to have been a practice among the clerks in the *Secretary's* office to record the papers in the first book which came to hand, without inquiring into the subject matter. Thus we find, in ‘*Will Book, No. 2,*’ an entire copy of the proceedings of the court martial held by Sir William Berkeley, for the trial of the prisoners who adhered to Bacon, besides the proceedings of the governor and council sitting as a general court, and a great number of state papers, such as charters from the king, his letters to the governors of Virginia, and the governors’ proclamations. So, in books labelled ‘*Bonds, Commissions, Depositions,*’ &c. there are several hundreds *patents* which ought to have been recorded in the books now in the *Register's* Office, besides a variety of other papers which no one could expect to find under such titles. This fact will probably account for the many unsuccessful applications at the *Register's* Office, for ancient patents, they being improperly recorded in books, now in the office of the clerk of the general court

sex representing their apprehensions and feares, least the honor of his majestie and the peace of this collony be too much hazarded and endangered by the great numbers of fellons and other desperate villaines sent hitther from the several prisons in England, being this day read in councell, we have, upon most serious and carefull consideration of the same, thought fitt to order and doe hereby accordingly order, that for prevention and avoiding the danger which apparently threatens us, from the barbarous designes and felonious practices of such wicked villaines, that it shall not be permitted to any person tradeing hitther to bring in and land any *jaile birds* or such others, who for notorious offences have deserved to dye in England, from and after the twentyeth day of January next, upon paine of being forced to keepe them on board, and carry them to some other country, where they may be better secured. And we have been the more induced to make this order, by the horror yet remaineing amongst us, of the barbarous designe of those villaines in September 1663* who attempted at once the subversion of our religion lawes libertyes, rights and proprieties, the sad effect of which desperate conspiracy we had undoubtedly felt, had not God of his infinite mercy prevented it, by a tymely and wonderfull discovery of the same; nor hath it been a small motive to us to hinder and prohibite the importation of such dangerous and scandalous people, since thereby we apparently loose our reputation, whilst we are beleived to be a place onely fit to receive such base and lewd persons. It is therefore resolved that this order remaine in force untill his majestie shall signifye his pleasure to the contrary, or that it be reversed by an order from his most honourable privy councell, and that it be forthwith published that all persons concerned therein may take notice of it accordingly. “(Book in office general court labelled “*Deeds and Wills from 1670 to 1677 No. 2. pa. 6.*)

25th November 1671. Captain Bristow and Capt. Walker entered security in the somme of 1,000,000*lbs.*

* The indictment against nine of the servants engaged in the plot of September, 1663, with the examination of eight of them, is preserved in a book in the office of the general court, labelled, ‘*Escheats, &c. 1665 to 1676,*’ pa. 1, 2, 3.

of tobacco and cask, that Mr. Nevett shall send out the Newgate birds within 2 months according to a former order of this court." (*Ibid.* page 94, see also *pa.* 93.)

Convicts ordered to be sent out.



"*Enquiries to the Governor of Virginia.*"* submitted by the lords commissioners of foreign plantations, with the governor's answers to each distinct head. [From a book in the office of the General Court, labelled "*Inquisitions, &c.* 1665 to 1676," *pa.* 239.]

[These enquiries were propounded in the year 1670, and received their answers in 1671, while *Sir William Berkeley* was governor of Virginia. A more correct statistical account of Virginia, at that period, cannot, perhaps, any where be found. The answers appear to have been given with great candor, and were from a man well versed in every thing relating to the country, having been for many years governor. As it respects the *inhabitants* of Virginia, *Sir William Berkeley* seems to have been well qualified to rear them up as food for despots, since, in his answer to the last enquiry, he thanks God that there are no "*free-schools or printing,*" and "*hopes that we shall have none these hundred yeares.*"]

1. What councils, assemblies, and courts of judicature are within your government, and of what nature and kind?

Council, Assembly and Courts.

Answer. There is a governor and sixteen counsellors, who have from his sacred majestie, a commission of *Oyer and Terminer*, who judge and determine all causes that are above fifteen pound sterling; for what is under, there are particular courts in every county,

Governor, number of counsellors, judicial powers.

* The 'Enquiries' being prefixed to the answers, it has been deemed unnecessary to repeat them here. They are commenced on page 234 of the book above referred to, and are thus subscribed, on page 236:

Arlington.	Sandwich Pre't.	Hum Winche.
Asheley.	Thomas Grey.	Edm. Waller.
Rich. George W. Alington.	——Titus.	
T. Clifford.	A. Broucher.	
S. Trevor.	H. Slingsby, secr	
Orl. Bridgman, C. S		

Appeals to assembly. which are twenty in number. Every year, at least the assembly is called, before whom lye appeals, and this assembly is composed of two burgesses out of every county. Taxes. These lay the necessary taxes, as the necessity of the war with the Indians, or their exigencies require.

Courts of admiralty. 2. What courts of judicature are within your government relating to the admiralty ?

Answer. In twenty eight yeares there has never been one prize brought into the country ; so that there is no need for a particular court for that concern.

Legislative & executive power. 3. Where the legislative and executive powers of your government are seated ?

Answer. In the governor, council and assembly, and officers substituted by them.

Laws 4. What statute laws and ordinances are now made and in force ?

Answer. The secretary of this country every year sends to the lord chancellor,* or one of the principal secretaries, what laws are yearly made ; which for the most part concern only our own private exigencies ; for, contrary to the laws of England, we never did, nor dare make any, only this, that no sale of land is good and legal, unless within three months after the conveyance it be recorded in the general court, or county courts.

Military force 5. What number of horse and foot are within your government, and whether they be trained bands or standing forces ?

Answer. All our freemen are bound to be trained every month in their particular counties, which we suppose, and do not much mistake in the calculation, are near eight thousand horse : there are more, but it is too chargeable for poor people, as wee are, to exercise them.

Castles and forts. 6. What castles and fforts are within your government, and how situated, as also what stores and provisions they are furnished withall ?

Answer. There are five fforts in the country, two in James river and one in the three other rivers of York,

* By an order of the Lords Commissioners for foreign plantations, made in 1679, it is made the duty of the clerk of the assembly to send them a copy of the journal and laws of each assembly.

Rappahannock and Potomeck; but God knows we have neither skill or ability to make or maintain them; for there is not, nor, as far as my enquiry can reach, ever was one ingenier in the country, so that we are at continual charge to repair unskillfull and inartificial buildings of that nature. There is not above thirty great and serviceable guns; this we yearly supply with powder and shot as far as our utmost abilities will permit us.

Great guns.
powder and
shot.

7. What number of privateers do frequent your coasts and neighbouring seas; what their burthens are; the number of their men and guns, and the names of their commanders?

Privateers

Answer. None to our knowledge, since the late Dutch war.

8. What is the strength of your bordering neighbours, be they Indians or others, by sea and land; what correspondence do you keep with your neighbours?

Strength of
neighbouring
nations, Indi-
ans & others.

Answer. We have no Europeans seated nearer to us than St. Christophers or Mexico that we know of, except some few french that are beyond New England. The Indians, our neighbours are absolutely subjected, so that there is no fear of them. As for correspondence, we have none with any European strangers; nor is there a possibility to have it with our own nation further than our traffick concerns.

9. What armes, ammunition and stores did you find upon the place, or have been sent you since, upon his majestyes account; when received; how employed; what quantity of them is there remaining, and where?

Arms, ammu-
nition & mili-
tary stores.

Answer. When I came into the country, I found one only ruined ffort, with eight great guns, most unserviceable, and all dismounted but four, situated in a most unhealthy place, and where, if an enemy knew the soundings, he could keep out of the danger of the best guns in Europe. His majesty, in the time of the Dutch warr, sent us thirty great guns, most of which were lost in the ship that brought them. Before, or since this, we never had one great or small gun sent us, since my coming hither; nor, I believe, in twenty years before. All that have been sent by his sacred majesty, are still in the country, with a few more we lately bought.

Appropriat'ns
for buy'g arms
maintain'g for-
tifications, &c.

10. What monies have been paid or appointed to be paid by his majesty, or levied within your government for and towards the buying of armes or making or maintaining of any fortifications or castles, and how have the said monies been expended?

Answer. Besides those guns I mentioned, we never had any monies of his majesty towards the buying of ammunition or building of forts. What monies can be spared out of the publick revenue, we yearly lay out in ammunition.

Extent & bound-
aries of Vir-
ginia.

11. What are the boundaries and contents of the land, within your government?

Answer. As for the boundaries of our land, it was once great, ten degrees in latitude, but now it has pleased his majesty to confine us to halfe a degree.* Knowingly, I speak this. Pray God it may be for his majesty's service, but I much fear the contrary.

Products and
manufactures.

12. What commodities are there of the production, growth and manufacture of your plantation; and particularly, what materials are there already growing, or may be produced for shipping in the same?

Answer. Commodities of the growth of our country, we never had any but tobacco, which in this yet is considerable, that it yeilds his majesty a great revenue; but of late, we have begun to make silk, and so many mulberry trees are planted, and planting, that if we had skilfull men from Naples or Sicily to teach us the art of making it perfectly, in less than half an age, we should make as much silk in an year as England did yearly expend three score years since; but now we hear it is grown to a greater excess, and more common and vulgar usage. Now, for shipping, we have admirable masts and very good oaks; but for iron ore I dare not say there is sufficient to keep one iron mill going for seven years.

Salt petre.

13. Whether salt-petre is or may be produced within your plantation, and if so, at what rate may it be delivered in England?

Answer. Salt-petre, we know of none in the country.

Rivers & har-
bours.

14. What rivers, harbours or roads are there in or about your plantation and government, and of what depth and soundings are they?

* This must allude to the eastern boundary, on the sea shore.

Answer. Rivers, we have four, as I named before, all able, safely and severally to bear an harbour a thousand ships of the greatest burthen.

15. What number of planters, servants and slaves; and how many parishes are there in your plantation?

Answer. We suppose, and I am very sure we do not much miscount, that there is in Virginia above forty thousand persons, men, women and children, and of which there are two thousand *black slaves*, six thousand *christian servants*, for a short time, the rest are born in the country or have come in to settle and seat, in bettering their condition in a growing country.

Population,
planters, ser-
vants & slaves.

Whole popu-
lation 40,000;
Slaves 2,000;
Serv'ts 6,000.

16. What number of English, Scots or Irish have for these seven yeares last past come yearly to plant and inhabite within your government; as also what *blacks* or *slaves* have been brought in within the said time?

Annual intro-
duction of En-
glish, Scots &
Irish:

Answer. Yearly, we suppose there comes in, of servants, about fifteen hundred, of which, most are English, few Scotch, and fewer Irish, and not above two or three ships of negroes in seven years.

17. What number of people have yearly died, within your plantation and government for these seven years last past, both whites and blacks?

Deaths annu-
ally.
Also, *blacks* or
slaves.

Answer. All new plantations are, for an age or two, unhealthy, 'till they are thoroughly cleared of wood; but unless we had a particular register office, for the denoting of all that died, I cannot give a particular answer to this query, only this I can say, that there is not often unseasoned hands (as we term them) that die now, whereas heretofore not one of five escaped the first year.

18. What number of ships do trade yearly to and from your plantation, and of what burthen are they?

Answer. English ships, near eighty come out of England and Ireland every year for tobacco; few New England ketches; but of our own, we never yet had more than two at one time, and those not more than twenty tuns burthen.

Ships annual-
ly employed in
the trade of the
colony.

19. What obstructions do you find to the improvement of the trade and navigation of the plantations within your government?

Impediments
to commerce,
& navigation.

Answer. Mighty and destructive, by that severe act of parliament which excludes us the having any com-

Restrictions of
the navigation
act:

Highly injurious to Virginia.

Character of the N. England men, who will break through it, if their interests lead them.

What would improve the trade, &c.

Duties on exports and imports.

No duties except 2s. a hhd. for tobacco exported.

Revenue to the king.

merce with any nation in Europe but our own, so that we cannot add to our plantation any commodity that grows out of it, as olive trees, cotton or vines. Besides this, we cannot procure any skilfull men for one now hopefull commodity, silk; for it is not lawfull for us to carry a pipe stave, or a barrel of corn to any place in Europe out of the king's dominions. If this were for his majesty's service or the good of his subjects, we should not repine, whatever our sufferings are for it; but on my soul, it is the contrary for both. And this is the cause why no small or great vessells are built here; for we are most obedient to all laws, whilst the New England men break through, and men trade to any place that their interest lead them.

20. What advantages or improvements do you observe that may be gained to your trade and navigation?

Answer. None, unless we had liberty to transport our pipe staves, timber and corn to other places besides the king's dominions.

21. What rates and duties are charged and payable upon any goods exported out of your plantation, whether of your own growth or manufacture, or otherwise, as also upon goods imported?

Answer. No goods, either exported or imported, pay any the least duties here, only two shillings the hogshead on tobacco exported, which is to defray all public charges; and this year we could not get an account of more than fifteen thousand hogsheads, out of which the king allows me a thousand* yearly, with which I must maintain the port of my place, and one hundred intervening charges that cannot be put to public account. And I can knowingly affirm, that there is no government of ten years settlement, but has thrice as much allowed him. But I am supported by my hopes, that his gracious majesty will one day consider me.

22. What revenues doe or may arise to his majesty within your government, and of what nature is it; by

* He means £1000 sterling money; which was the stated salary of the governor; besides which the assembly allowed Sir William Berkeley, who is here speaking, an additional salary of £200.— See ante page 314.

whom is the same collected, and how answered and accounted to his majesty?

Answer. There is no revenue arising to his majesty but out of the quit-rents; and this he hath given away to a deserving servant, Col. Henry Norwood.

23. What course is taken about the instructing the people, within your government in the christian religion; and what provision is there made for the paying of your ministry?

Answer. The same course that is taken in England out of towns; every man according to his ability instructing his children. We have forty eight parishes, and our ministers are well paid, and by my consent should be better *if they would pray oftener and preach less.* But of all other commodities, so of this, *the worst are sent us,* and we had few that we could boast of, since the persicution in *Cromwell's* tyranny drove divers worthy men hither. But, I thank God, *there are no free schools nor printing,* and I hope we shall not have these hundred years; for *learning* has brought disobedience, and heresy, and sects into the world, and *printing* has divulged them, and libels against the best government. God keep us from both!

Education and provision for the clergy.

Parishes.

Ministers would deserve better pay if they would pray more & preach less. None but the worst sent over.

No free schools nor printing: and he prays to God, that he might see neither.

☞ Nothing can display in stronger colors the execrable policy of the British government, in relation to the colonies, than the sentiments uttered by Sir William Berkeley, in his answer to the last interrogatory. These were, doubtless, his genuine sentiments, which recommended him so highly to the favor of the crown, that he was continued governor of Virginia from 1641 to 1677, a period of *thirty-six* years, if we except the short interval of the commonwealth, and a few occasional times of absence from his government, on visits to England. The more profoundly ignorant the colonists could be kept, the better subjects they were for slavery. None but tyrants dread the diffusion of knowledge and the liberty of the press.

☞ What excellent food for tyrants!

The same hostility to the introduction of *printing* which was manifested by Sir William Berkeley, was shewn by Lord Culpeper, who was governor of Virginia in 1683, only *eleven years* after these principles were avowed by Sir William Berkeley. It will be seen by the following extract, which is from a MS. of

unquestionable authority, that at the last mentioned date, a printer had actually commenced his business in Virginia, but was prohibited by the governor and council from *printing any thing*, till the king's pleasure should be known; which, it may be presumed was very tardily communicated, as the first evidence of printing thereafter in Virginia was on the revised laws contained in the edition of 1733.]

Printing prohibited

“February 21st, 1682, John Buckner called before the Lord Culpepper and his council for printing the laws of 1680, without his excellency's licence, and he and the printer ordered to enter into bond in £100 *not to print any thing* thereafter, until his majesty's pleasure should be known.” (*Bland MS. pa. 498.*)

* Dated in 1673.

References to papers relating to the grant to Lords Arlington and Culpeper, of the whole colony of Virginia, for 31 years, and the mission to England for the purpose of obtaining a revocation of that grant, and a new and more perfect charter for Virginia.*

[The first great cause of dissatisfaction in Virginia, after the restoration, was the extravagant and improvident grant made by king Charles II, to Lords Arlington and Culpeper, two favourites of the crown. (*See Marshall's life of Washington, vol. 1. pa. 197. Burk's Hist. Virginia, vol. 2. pa. 151, 152.*) This gave rise to the 1st act of September 1674, for an address to the king on the subject, and for making provision to support agents in England to negotiate with the government there for its repeal. Three agents were accordingly appointed, *Col. Francis Moryson, Thomas Ludwell, secretary, and major general Robert Smith.* Their correspondence shews the zeal with which they prosecuted the objects of their mission, and the event proves how little dependence ought to have been placed on the sincerity of the king. After innumerable difficulties and delays, and after the king had twice ordered a charter to be prepared, embracing all the essential stipulations insisted on by the agents, particularly an exemption from taxation without the consent of the colony, it was suddenly suspended in the *Hamper* office.

and instead of the promised charter, a miserable skeleton was sent in, containing little more than a declaration of the dependence of the colony on the crown of England. In the following collection, I have *made references*, only, to such papers as are to be found in *printed books*, and in the office of the *General Court*; but where the paper exists in a single MS. in the hands of an individual, it has been given entire.]

1. The grant to Lords Arlington and Culpeper of the whole colony of Virginia, for 31 years, dated 25th of February, in the 25th year of the reign of Charles the second, which was in 1673.

[The grant at large is recorded in the office of the general court, in a book labelled "*Deeds*" from 1682 to 1689, No. 3, pa. 28: the substance of it is inserted, ante page 427; also in the *Bland MS.* pa. 273; and in *Burk's Hist. Virg.* vol. 2, Appendix, pa. xxxiv.]

2. An act of the general assembly of September 1674, ante pa. 311.

3. A letter signed by *Sir William Berkeley*, in the name of the council, and by *Thomas Ludwell, sec.* and *Robert Wynne, speaker H. B.* dated 21st September 1674, addressed to the "Right Honourable" supposed to be Lord Arlington, who was then chamberlain of the king's household. This letter announces the appointment of "*Col. Francis Moryson, Mr. Secretary Ludwell, and Major general Robert Smith*" as agents for Virginia, in England, and states the object of their mission. [*Bland MS.* pa. 271: *Burk's Hist. Virg.* vol. 2. *App.* pa. xxxiii.]

4. Report of the agents, that they had waited on Lord Arlington, and furnished him with the heads of the grant to him and Lord Culpeper, with their objections to it. [*Bland MS.* pa. 272: *Burk's Hist. Virg.* vol. 2. *App.* pa. xxxiv.]

5. Further report of the agents that they had presented a letter from the governor of Virginia to the lord Chamberlain of the king's household (Lord Arlington) who expressed his surprize that the inhabitants of Virginia should be more opposed to paying their quit-rents to lords Arlington and Culpeper, than they had been to col. Norwood and others; since those quit-rents had never come into the king's exchequer. The agents assured the lord Chamberlain that the ob-


Propositions for vacat'g the grant to Lords Arlington and Culpeper.

[This grant is published, in this edition, at the end of the volume.

Propositions
for vacat'g the
grant to Lords
Arlington and
Culpeper.

jections were not to the quit-rents, but to other clauses in the grant, which they pointed out. He expressed his willingness to surrender the grant; assuring the agents that it never was his intention to have had such *regalies* vested in him as the grant contained. (*Bland MS.* pa. 275, *Burk's Hist. Virg.* vol. 2, App. xli.)*

6. Proposition, by the agents, to Lord Arlington, that if he and Lord Culpeper would vacate their patent, or demise and take out another for the quit-rents, only, to be paid in tobacco at 12s. per hundred, the agents would accede to it. [*Bland MS.* pa. 276: *Burk's Hist. Virg.* vol. 2, App. pa. xlii.]

7. Conference between the agents of Virginia, and the commissioners on the part of Lords Arlington and Culpeper, accompanied by Col. Norwood;—the face of things much altered,—instead of receiving the quit-rents in tobacco, at 12s. per hundred, as was before thought reasonable, the patentees insist on receiving tobacco *ad valorem*; and their escheats, by certain compositions. *Bland MS.* pa. 277: *Burk's Hist. Virg.* vol. 2, App. pa. xliii.— This paper is wrong dated in Mr. Burk's Appendix, it should be "April 26th, 1675," and immediately underneath, "H. NORWOOD."

8. The agents declare that the terms proposed by Lords Arlington and Culpeper, are inadmissible, and consequently they can hold no further treaty with them. [This paper is dated April 27th, 1675, in the *Bland MS.* and not "1674," as in *Burk's Appendix.*] They then subjoin "The reasons of their dissenting," in a separate paper, which is, that the conditions proposed are in too general terms, and that, from the propositions of the patentees, it may be inferred, that the quit-rents were to be paid on their existing grant; whereas the agents insist on their vacating that grant, and taking out another for the quit-rents, only. [*Bland MS.* pa. 279: *Burk's Hist. Virg.* vol. 2, App. pa. xliv.]

* In the Appendix to the 2d vol. of Burk's History of Virginia, these papers are differently arranged from the Bland MS. The reason of the alteration is not easily perceived. Most of them being without date, it is only by the subject matter that the proper arrangement can be made. Instead of the paper last referred to, which is inserted as it stands in the *Bland MS.* Mr. Burk has given one signed "Philip Lloyd," stating the result of the negotiation, and dated in 1676.

9. Lords Arlington and Culpeper agree to vacate their patent, and receive a new one for the *quitrents* and *escheats*, only. *Bland MS.* pa. 281; [*Burk's Hist. Virg. vol. 2, App.* pa. xlv.] ¶ There is a blank in Burk's Appendix, in this paper, which should be filled with the word "covenant."

Propositions for vacat'g the grant to Lords Arlington and Culpeper.

10. Letter from two of the agents, Francis Moryson and Thomas Ludwell, stating their application to Lord Arlington, to take out a new grant, for the quitrents and escheats, in pursuance of the propositions contained in the last paper; but that he had desired a meeting, where Colonel Norwood and Lord Culpeper might be present, which had not been then effected, and proposed that the agents should purchase their right, that the grant might pass in the name of the colony. This the agents would not agree to; but requested that the patentees would first take out their grant; and then, if they would set a reasonable value upon it, the agents would communicate the proposition to their government. [*Bland MS.* pa. 380: *Burk's Hist. Virg. vol. 2, App.* pa. lii.]

¶ The above is the last paper, on the subject of the conference between the agents of Virginia and the patentees, Lords Arlington and Culpeper, that is given in the Appendix to *Mr. Burk's History of Virginia*; but it appears from a deed recorded in the General Court, (Book labelled "Deeds," from 1682 to 1689, No. 3, pa. 22,) that Lord Arlington, on the 10th of Septem. 33 Charles II, (1681,) conveyed all his interest derived under the patent of 25th of February, 25th Charles II, (1673) to Lord Culpeper; who afterwards assigned his whole estate in the premises to the king, as will be seen by the following letter, taken from the *Bland MS.* pa. 481.]

¶ This deed from lord Arlington to lord Culpeper, is published in this edition, at the end of the volume.

11. *Letter from King Charles the 2d, dated the 25th of July, 1684, 36 '0 Regni to Lord Howard, to this effect.*

WHEREAS the Lord Culpeper had assigned and surrendered unto him all right, title, and interest to certain letters patent, bearing date 25th February,

Grant vacated by assignment from Lord Arlington to L'd Culpeper, and by him to the crown.

25th Regni, whereby he demised unto him and Lord Arlington, all the colony of Virginia and Accomack, with the rents, quit-rents, fines and forfeitures, and escheats, accruing unto him from the premises, and the same being now in virtue thereof, and of a former assignment of the Lord Arlington unto the Lord Culpeper, entirely in his majesty's hands, he declares his will and pleasure that publication thereof be made to his subjects within the colony of Virginia, and they be given to understand that his majesty proceeded herein, with an intent to apply all profits accruing thereby to the benefit and for the better support of the government of that our colony, in such manner as he should from time to time appoint. Therefore his majesty requires the governor to empower the officers of the revenue, and such others as he should think fit, duly to collect the quit-rents accruing from time to time, according to the reservation of 2s. for every 100 acres of land, and so proportionably for a greater or lesser quantity, to be paid in specie, in money, and not in tobacco nor in any other commodity; but that the subjects might with greater ease comply with their obligation to his majesty, his majesty is well pleased that instead of English money they may answer what becomes due to him in such pieces of eight as are current in that colony, and as to escheats, fines and forfeitures, and other profits, mentioned in his letters patent, his majesty directs that they be satisfied according to the demise to the Lord Culpeper in the like pieces of eight for every five shillings. And because at that distance he could not direct the particular method of recovering those dues, the governor is to proceed therein as he should find most beneficial, and to give him an account of his proceedings; and that the revenue arising from the premises be not disposed of nor suffered to be issued out until upon certifying unto his majesty the value of what shall remain thereupon in the treasury, he should order the same to be disposed of to such uses as shall be most requisite for his services. (*Bland MS.* page 481.)

*Negotiations for a new Charter.*Negotiations
for a new char-
ter.

12. The agents for Virginia open the negotiation, relating to a new and more perfect charter, by presenting certain "heads," as the basis of the charter which they wish to obtain, accompanied by explanations to each head. (*Bland MS. pa. 282: Burk's Hist. Virg. vol. 2, App. pa. xlv.*)

1st Head.—That Virginia may be enabled by the king's letters patents, by the name of "governor, council and burgesses" to purchase and hold the grant of the Northern neck or tract of land between the Rappahannock and Potomack rivers, which had been conveyed to the earl of St. Albans, lord Culpeper and others. [See laws of Virginia, edi. 1769, pa. 105, and 1 Rev. Code, Ch. 3, pa. 5. where this grant is referred to. See also "Deed" book from 1682 to 1689, No. 3, page 3, in the office of Genl. Ct. where one of those grants dated 20th July, 33 Charles II, (1681) is recorded.]

Explanation of the 1st head.—That by incorporating the governor, council and burgesses (a term which they disapprove of, if any better mode could be devised,) they only wish that they may have capacity to purchase two grants which had been made of the Northern neck, and which excited great uneasiness among the people; that the power of granting the lands within that territory may reside in the governor and council as formerly; and that the colony of Virginia may after the purchase enjoy the quit-rents and escheats in the same manner as the patentees, they being the only source from which the colony can be reimbursed their purchase money.

2d Head.—That the people of Virginia may be assured that they shall have no other dependance but on the crown, nor be *cantonized* into parcels by grants made to particular persons. And to prevent surreptitious grants, that none be made for the future, till the king shall have received information from the governor and council of Virginia, as to the propriety of making them.

Explanation of the second head.—Nothing more is intended by this head, than that the people of Virginia should rely on the crown alone for protection. No unlimited power is asked for nor any grant which shall lessen the authority of the king.

Negotiations
for a new char-
ter.

3d Head.—That all lands may be assured to the present possessors and owners thereof.

Explanation of the 3d head.—This, the agents considered essential to the peace and welfare of the colony. The inhabitants, in confidence of their grants, having expended their estates in the improvement of their lands, it was all important that they should be assured of their titles. The agents also pray that the usual allowance of 50 acres of land for each person imported, which experience had proved to be so beneficial, may be continued.

4th Head.—That all lands held by right of administration, acquisition, or other customary title which in strictness of law might be escheated, may be assured to the possessors; the escheators for the crown taking only two pounds of tobacco per acre, according to a former composition, for escheats. (*See ante page 56 and 136.*)

Explanation of the 4th head.—It having been discovered, on enquiry, that a great number of the inhabitants held their lands, by right of administration and other colorable titles, which, for want of heirs, were by law escheated to the crown, the governor and council with the advice of the grand assembly, in order to avoid the inconveniences which would result from disturbing so many possessions, established a general composition for escheats at the above rate. As no emolument could accrue to the crown from granting those lands to new adventurers, the agents pray that the possessors may be quieted in their titles.

5th Head.—That the governor and council may be residents in the colony; and that the deputy governor, in the absence of the governor, may be one of the council, and such as has an estate and interest in the country.

Explanation of the 5th head.—This is not a new proposition, nor does it arise from groundless fears. It is no more than is contained in the commissions of all the governors since the foundation of the government; and is only intended to guard against the powers of the government devolving upon strangers who have no interest in the country, during the absence of the governor, and that the king himself may have a better account of the country.

6th Head.—That the governor and council, or a *quorum* of them may be fully empowered by charter to hear and determine all treasons, misprisions of treason, murders and felonies; since the government, being so remote, ought to be armed with such powers.

Negotiations for a new charter.

Explanation of the 6th head.—Nothing more is intended by this than that, instead of a commission of *oyer and terminer*, there may be a standing provision in the charter, conferring such powers.

7th Head.—That there shall be no tax or imposition laid on the people of Virginia but according to their former usage, by the grand assembly, and no otherwise.

Explanation to the 7th head.—The agents hope that this request will not be deemed *immodest* when it is considered that both the acquisition and defence of Virginia have been at the charge of the inhabitants; and that the people, at that time, were at the expence of supporting not only the government but the governor, which occasioned their taxes to be very high, and which must every year encrease with the growth of the country.—[In a subsequent note, explanatory of some of the heads to which objections were raised, the agents dwell on the point of taxation with peculiar force, and advance many unanswerable arguments in support of the position which they had taken. They are here repeated. See *Bland MS. pa. 289: Burk's Hist. Virg. 2. App. pa 1.*]

FIRST.—As to the point whether the Virginians are in reason to be assured under his majesty's great seal, that they shall not be taxed without their own consent.

1. It is humbly conceived that if his majesty deduce a colony of Englishmen by their own consent, (or otherwise he cannot) or licence or permit one to be deduced to plant an uncultivated part of the world, such planters and their heires ought to enjoy by law in such plantation, the same liberties and priviledges as Englishmen in England; such plantation being but in nature of an extension or dilatation of the realm of England.

2. King James did, by the charter to the treasurer and company declare that their posterity and decendants born in Virginia should be taken as natural born subjects of England (as, in truth, without any decla-

Arguments of the agents in support of an exempt'n from taxation, without consent of the people of Virginia.

Negotiations
for a new charter.

ration or grant, they ought by law to be) which charter although for the misgovernment of the company it were demanded in a *quo warranto*, yet did the said king forthwith promise and declare, that a charter should be renewed with the former priviledges to the planters, at whose instance and for whose sake the former charter was called in.

3. Neither his majesty nor any of his ancestors or predecessors have ever offered to impose any tax upon this plantation without the consent of his subjects there.

4. Nor upon any other plantation, how much less soever deserving of or considerable to the crown. New England, Maryland, Barbadoes, &c. are not taxed but of their consent.

5. As to their land, the Virginians are freeholders in common, as of the manner of East Greenwich.

6. Their goods, the product of their industry of themselves and servants, being the principal part of their estates, (in respect whereof their lands are of considerable value) yield to the king in his customs at least one hundred thousand pounds per annum.

7. The acquisition and defence of the country was, and is by the blood and treasure of the former and present planters and seaters, never costing the crown of England any thing in all their wars.

8. Their taxes already are, and must continue high upon them for the maintenance and support of the government, execution of law and justice, and defence and ornament of the country, erecting and endowing of churches, maintenance of ministers of English ordination, doctrine and liturgy; building and furniture of ports, bridges, ships of war, towns, &c.

9. Their course of taxing (which is ever only per poll) sheweth how far the personal industry of the people is and ought to be valued above their lands and stocks.

10. The petitioners have an express charge to insist on this particular, and since they find their right herein to be questioned, they find it necessary to have this particular cleared, and the referees herein satisfied before they proceed to any other.


8th Head.—A confirmation, by charter, of the authority of the grand assembly consisting of governor, council and burgesses.

Explanation to the 8th head.—This is, in effect, only to ask that the laws made in Virginia, may be of force and value, since the legislative power has ever resided in an assembly so qualified, and by *fifty* years experience had been found a government more easy to the people and advantageous to the crown; for, in all that time there had not been one law which had been complained of as burthensome to the one, or prejudicial to the prerogative of the other. And though the king had always a negative, by his governor; yet the colonists would not object to the king's exercising the power of disannulling a law, so that his dissent be signified within *two* years after the enacting of it. For which purpose the laws should be annually transmitted to one of his principal secretaries of state.

Negotiations
for a new charter.

13. Notes explanatory of some of the heads, annexed to the petition of the Virginian agents. [*Bland MS. pa. 289: Burk's Hist. Virg. vol. 2, App. pa. 1.*]

These explanatory notes consist of the article concerning taxation, which is before repeated; a further exposition of what is intended by an act of incorporation; the views of the agents, as to the powers of the grand assembly; and an answer to the objections which had been raised on account of the disloyalty of New England.

[] On the 23d of June 1675, the propositions of the agents for Virginia, for a new charter, were referred by the lords of the committee for foreign plantations to the king's attorney and solicitor general. They on the 11th of October 1675, made a report to that committee, who on the 19th of October 1675, (*see Bland MS. pa. 293: Burk's Hist. Virg. vol. 2, App. pa. xi*) repeated the same report to the king in council, merely changing the style from "his majesty" to "your majesty." (*See Bland MS. pa. 297, and the same paper, pa. 373: Burk's Hist. Virg. vol. 2, App. pa. lv.*) This report presents the different points of negotiation in ten distinct heads, varying in their arrangement from that adopted by the agents in their propositions and explanations. It was as favorable to the agents as they could have wished; and, as appears from their subsequent correspondence, was adopted by the king in council, and twice ordered to be passed into a charter under the great seal.

ⁱ Negotiations
for a new charter.

From this period to the termination of all negotiation for a charter, the agents were unwearied in their applications to the principal officers to carry into effect the order of the king and council. New difficulties and objections were started by the officers of the crown, which were repelled, with great firmness by the agents of Virginia. At length, the news of Bacon's rebellion furnished an apology to violate the most sacred engagements on the part of the crown. Most of the papers on this subject are given in the appendix to the 2d volume of Burk's History of Virginia. There are some, however, omitted, which shew the unshaken zeal of the Virginian agents.

The better to contrast the stipulations to which the king had assented, as the basis of a new charter, with the charter itself which was actually sent over, they are here inserted in succession. To these are subjoined such remonstrances of the Virginian agents to the officers of the crown for keeping back the charter, as have not been published in Mr. Burk's appendix.]

AT THE COURT AT WHITEHALL, NOVEMBER 19th, 1675.

Present, the King's most excellent Majesty.

His high. Prince Rupert,	Earl of Essex,
Lord Keeper,	Earl of Craven,
Lord Treasurer,	Earl of Carberry,
Lord Privy Seal,	Viscount Fauconberg
Duke of Albemarle,	Viscount Hallifax
Duke of Monmouth,	Viscount Newport,
Earl of Bridgwater,	Mr. Sec'ry Coventry,
Earl of Northampton,	Mr. Sec'ry W'mson,
Earl of Peterborough,	Mr. Chancellor of the Duchy.

Report of lords
of committee of
foreign planta-
tions

WHEREAS the right honourable the lords of the committee for forrain plantations, did this day present to his majesty in council, a report touching a grant to be past unto his majesties subjects of Virginia. in the words following :

May it please your Majesty,

The petition of Francis Morryson, Thomas Ludwell and Robert Smith, agents for the governor, council, and burgesses of the country of Virginia and territory of Accomack, being by your majesties most gracious order, in council, of the 23d of June last past; referred to your majesties attorney, and solicitor general, who were to consider thereof, as also of a paper annexed, containing more fully the heads of what they humbly proposed, and then to report unto us their opinion on the same, as to the conveniency thereof, in respect of your majesties service; and we having seen and examined the said report, bearing date the 12th instant, are upon the whole matter humbly of opinion, that it will not only be for your majesties service, but for the encrease of the trade and growth of the plantations of Virginia, if your majesty shall be pleased to grant and confirm, under your great seal of England, unto your subjects of Virginia, the particulars following, as of your majesties free grace and goodness to them:

1. That your majesty will enable the governor, council, and commonalty of Virginia, to purchase the lands, &c. contained in the grant to the Earl of Saint Albans, Lord Culpeper, and others, and, as to that purpose only, to be made a corporation, to purchase and retaine the same, with a *non obstante* to the statute of mortmain.

2. That the inhabitants, your majesties subjects there, may have their immediate dependance upon the crown of England, under the jurisdiction and rule of such governor† as your majesty, your heir and successors shall appoint.

3. That the governor, for the time being, shall be resident in the country, except your majesty, your heirs and successors shall, at any time, command his attendance in England, or elsewhere; in which case, a deputy shall be chosen, to continue during the absence

Report of the attorney gen'l. & solicitor general,* recit'd and approved.

Power to purchase grant to St. Albans, l'd Culpeper, &c. of Northern Neck.

Dependence on the crown of England.

Governor to be resid't in Virginia.

Various Readings.

* The Attorney General and Solicitor General, were *Wm. Jones*^s and *Fra. Winington*, by whom the report was signed.

† 'Government,' in Bland MS, page 289

Deputy, how chosen.

Succes'r, how appointed.

Exemp'n from taxation.

Proviso.

King not to grant lands without information from governor, &c.

Confirmation of titles of lands.

Fifty acres of land to each emigrant.

Composition for escheats.

Trial for treason, murder, and felonies.

Power of pardon.

of such governor. in manner as hath formerly been used, unless your majesty shall be pleased to nominate the deputy, who is to be one of the council, but if any governor happen to dye, then another to be chosen as hath been formerly used, to continue till your majesty, your heirs, and successors, shall appoint a new governor.

4. That no manner of imposition or taxes shall be laid or imposed upon the inhabitants and proprietors there, but by the common consent of the governor, council and burgesses, as hath been heretofore used; *provided* that this concession be no bar to any imposition that may be laid, by act of parliament here, on the commodities which come from that country.

5. That your majesty, you heirs, and successors, will not for the future, grant any lands in Virginia, under your great seal, without first being informed by the governor and council there, for the time being, or some person by them impowered, whether such grant will not be prejudicial to the plantations there.

6. That all lands now possessed by the planters or inhabitants, may be confirmed and established to them; *provided* it alter not the property of any particular mans interest in any lands there.

7. That, for the encouragement of such of your majesties subjects as shall, from time to time, go to dwell in the said plantation, there shall be assigned out of the lands (not already appropriated) to every person so coming thither to dwell, fifty acres, according as hath been used and allowed since the first plantation.

8. That all lands possest by any subject inhabiting in Virginia, which have escheated, or shall escheat, to your majesty, may be enjoyed by such inhabitant or possessor, he paying two pounds of tobacco composition for every acre, which is the rate, in that behalf, set by the governor, authorised to do the same, by your majesties instructions.

9. That the governor and council, or a certain quorum of them, may be impowered to try all treasons, murders fellonies and other misdemeanors; *provided* they proceed in such trials, as near as may be, to the laws of England; the governor to have power of pardoning all crimes, unless murther or treason; and in

these, if he see occasion, to give reprove, until he shall have laid the state of the fact before your majesty, and received your royal determination therein.

10. That the power and authority of the grand assembly consisting of governor, council, and burgesses may be by your majesty ratified and confirmed; *provided* that your majesty may at your pleasure revoke any law made by them, and that no law so revoked shall, after such revocation, and intimation thereof from hence, be further used or observed.

Pow. of grand assembly.

Power of king to revoke laws

All which is humbly submitted to your majesties determination.

*Council Chamber the 19th of
October 1675.*

His majesty having considered the said report, and being graciously inclined to favour his said subjects of Virginia, and to give them all due encouragement, have thought fit to approve and confirm the same, and Mr. Attorney General and Mr. Solicitor general are hereby required to prepare a bill for his majesties signature in order to the passing of letters pätents for the grant, settlement and confirmation of all things according to the direction of the said report, but paring the words and manner of expression so as may be most suitable to the forme of law in such cases accustomed and to the petitioners releif.

Their report confirmed, & a new charter order'd in conformity therewith

(*Bland MS. pa. 373, also pa. 297, and Burk's Hist. Virg. vol. 2, App. pa. lv.*)

Memorandum. A complete charter was granted and passing the offices, but the news of Bacon's rebellion stop'd it in the *Hamper* office; and my lord Culpeper being appointed governor, on the death of Sir William Berkeley, obtained that this poor charter, which we have, only should be granted.

P. L. 1723.*

(*Bland MS. pa. 319. Burk's Hist. Virg. vol. 2, pa. 249.*)

* This memorandum was probably the note of the transcriber, at the date annexed to the initials of his name.

The Charter
of 10th of Oc-
tober 1676.

1. Depend'nce
on the crown
of England.

2. Governour to
be resident in
Virginia.

Deputy, how
chosen.

Successor,
how appointed.

3. Confirma-
tion of titles of
lands.

4. Fifty acres
of land to each
emigrant.

5. Compositi'n
for escheats.

Charles the 2d, by the grace of God king of England, &c. to all to whome these presents shall come, greeting. Know ye that we of our especial grace, certain knowledge, and meer motion, have declared and granted, and by these presents do for us, our heirs, and successors, declare and grant that all the subjects of us, our heirs and successors from time to time inhabiting within our colony and plantation of Virginia, shall have their immediate dependance upon the crown of England, under the rule and government of such governours, as we, our heirs, and successors shall from time to time appoint in that behalf, and of or upon no other person or persons whatsoever. And further that the governour for the time being shall be resident in that country, except we our heirs or successors shall at any time command his attendance in England or else where, in which case a deputy shall be chosen to continue during the absence of such governour in manner as hath formerly been used, unless we, our heirs or successors shall think fit to nominate such deputy. And further if any governour shall happen to dye, then another governour shall and may be chosen, as hath been formerly used, to continue till we, our heirs and successors shall appoint a new governour. And moreover that all lands now possessed by the severall and respective planters or inhabitants of Virginia, are and shall be confirmed and establish't to them and their heirs for ever, where the property of any particular mans interest in any lands there shall not be altered or prejudiced by reason thereof. And our further will and pleasure is, and we do hereby, of our further grace and favour, declare and grant, that for the encouragement of such our subjects as shall from time to time go to dwell in the said plantation, there shall be assigned out of the lands not already appropriated to every person so coming to dwell, fifty acres of land, according as hath been used and allowed since the first plantation, to be held of us, our heirs and successors, as of our manner of East Greenwich, in the county of Kent, in free and common soccage. And further that all lands posses't by any subject inhabiting in Virginia, which is escheat'd, or shall escheat unto us, our heirs and successors, shall and may be enjoyed by such inhabitants, or possessors, his heirs and assigns for ever

paying two pounds of tobacco composition for every acre, which is the rate set by our governour according to our instructions to him in that behalf. And further that the governour and council of Virginia for the time being, and in the absence of the governour, the deputy governour and council, or any five or more of them, whereof the governour or his deputy to be always one, shall and hereby have full power and authority to hear and determine all treasons, murders, felonys and other offences committed and done within the said government, so as they proceed therein, as near as may be to the laws and statutes of this kingdome of England. And lastly, know ye, that we being of our royall goodness, graciously inclined to favour the subjects of us, our heirs and successors, which now do, or hereafter shall inhabit in the said country of Virginia, and to give the more liberal and ample encouragement to plantations there, do hereby declare our royall will and pleasure to be, that all and every clause, article and sentence in those our letters patents contained, shall be from time to time for ever hereafter, as often as any ambiguity, doubt, or question shall or may arise thereupon, expounded, construed, deemed and taken to be by us meant and intended, and shall enure and take effect in the most beneficial and available sence to all intents and purposes, for the profit and advantage of the subjects of us, our heirs and successors of Virginia aforesaid, as well against us, our heirs and successors, as against all and every other person and persons whatsoever, any law, statute, custome and usage to the contrary thereof notwithstanding. In witness whereof we have caused these our letters to be made patents. Witness ourself at Westminster. the tenth day of October, in the twenty eighth year of our reign.

Per ipsum Regem

BARKER.

(From a MS. copy of the Revised Laws of 1705, page 244, furnished to the editor by William Nelson, Esq. one of the judges of the General Court.)

☞ The above charter is also to be found in the Bland MS. page 382, and Burk's Hist. Virg. vol. 2.

6. Trial, for treason, murder & felonies.

This charter to be beneficially construed for the inhabitants of Virginia.

App. pa. lxi, but those copies are less perfect than that in the MS. revisal of 1705.

By comparing this charter with the report of the attorney, and solicitor general, which was approved by the lords of the committee for foreign plantations, and afterwards adopted by the king in council, who ordered a new charter to be prepared, it will at once be seen that the most important provisions, particularly what relates to an exemption from the payment of taxes, are omitted.

Remonstrances against the stoppage of the charter.

RIGHT HONOURABLE,*

Remonstrances
ag'tst stoppage
of the charter.

☞ The following papers are not to be found in Mr. Burk's Appendix to his history of Virginia.

WE do most humbly beseech you to beleive, that it is not our unpatience of finding ourselves reduced almost to the same place, from whence we set out above twelve months since, after we had (during that time) spent so much pains and mony, to procure such a grant to pass the broad seal as might be equally for his majesties service, and the future security and encouragement of Virginia, the most ancient and profitable of all the English plantations, but our astonishment, which takes from all measures, to find the stopping it at the great seal, to be founded upon a supposition, that it contains powers in it of controlling the acts for navigation, which enforces us to give you this further trouble in our unfortunate business, by desiring your honour to consider all the particulars of the grant; and then we humbly hope you will find the first head containing only a power of purchasing what his majestie hath been pleased to grant to the Earl of St. Albans, &c. can have no relation to the laws for navigation, all which are only directions for prevention of fraud in paying the customs due upon commodities exported and imported; however we have and do still offer, that if his majesty will be pleased any way to call in the said patent and again lay it to the rest of Virginia, we will be no longer sollicitous of being incorporated to purchase the same.

* It does not appear in the MS. to whom this memorial was addressed

That the two next heads containing nothing in them but a security that the inhabitants of that country shall have their future dependance on the crown only, and no more be subjected to any new grants, but to be made the command of such governor as his majesty shall please to appoint, the residence of the said governor and manner of choosing deputy, we humbly hope will never be thought to controle the said laws for navigation.

Remonst'nces
ag'st stoppage
of the charter.

The fourth head, its true, contains that which we humbly conceive to be the right of Virginians, as well as all other Englishmen, which is, *not to be taxed but by their consent, expressed by their representatives*; in which head your honour may observe a provisoe, which, we humbly conceive, doth so effectually preserve the power of the laws of navigation, and all future acts of parliament, of that nature, as to render the objection against our grant of no force.

The 5th, 6th, 7th and 8th heads giving nothing to his majesties subjects in that country, but that just security of being no more granted away to strangers, and a fitting confirmation of those lands they now hold of the crown, under the broad seal, which was formerly held only by patents, grounded upon instructions, which are alterable at pleasure, and the old encouragement of fifty acres for every adventurer thither, to which we owe the greatest growth of that colony, to which is added the usual settlement of all such lands as are or shall escheat to his majesty, we most humbly hope it cannot be imagined that any clause or thing contained in these four heads is contrary to any law of England.

The 9th head importing only a necessary power of oyer and terminer, for punishing the faults therein contained, without which no government can subsist, we are humbly confident will be found neither unfit for his majesty to grant, nor any way contrariing to those acts for navigation, nor any other law of England.

The last head containing no more but a confirmation of that power and authority which the grand assembly hath alwaies exercised, by virtue of our several king's instructions, and without which there could be no provision made either for the support of the government or defence of the country, wherein they nei-

Remonst'nces
ag'st stoppage
of the charter.

ther have nor can be presumed to have power of making laws contrary to the laws of England, nor have ever exercised any such authority, which must have been void in itself; but if they had, the objection would have been as well for the vindication of all the laws of England, as of those which only respect trade, an inconvenience which we humbly conceive to be sufficiently provided against by the proviso in the same head, which submits all laws made by that assembly to his majesties confirmation or revocation, nor can it possibly be thought ever any such contradictory law can pass there, so long as the governor and government are in the foregoing heads dependant on and subjects to the crown.

Thus we have answered all objections we can make to ourselves, whilst we are ignorant of what particular part of our grant is supposed to contain so unfitting a power of controlling the acts of navigation, but are most humbly of opinion that so dangerous a power, both to the crown and his kingdom, could never have escaped the care and diligence of his majesties council learned in the law, nor the great wisdom of the right honorable the committee for trade, and the most honorable privy council, where it hath been twice debated and as often positively ordered to pass; and do therefore most humbly pray your honour to move his majesty in the council that it may no longer be delayed upon, which seems to us of so great weight lest the effects should prove ruinous to that country, now in a desperate and chargeable war with the Indians, which, we humbly hope, thought a sufficient motive for the speedy passing this grant, that will at once settle both their minds and estates, and give them courage to defend as well his majesties, as their own interest, against their barbarous enemies. We have only this further petition to your honor, that you will consider that 'tis for a whole country we plead, and therefore that you will not think this paper too long, and that you will be pleased to consider it, and then we doubt not but it will clearly appear, that the objections is too weak to stand in competition with the wisdom and care of those great ministers, who searched into it, and advised his majesty to pass it, or to hazard the ruin of so great a jewel of the crown, which is all we have to

say, but that God may for ever bless your honour with happiness here and hereafter is the prayer of

Remonst'nces
ag'st stoppage
of the charter.

Right Honourable
Your honours most humble and
Most devoted servants.

*To the right honourable the Lord High Chancellor of
England.*

Letter from
the agents to
the L'd Char-
cellor.

Francis Morryson and Thomas Ludwell, agents for
his majesties colony of Virginia.

MOST HUMBLY DO PRESENT,

THAT your honours petitioners have with great pains and charge, endeavoured above a twelve month to procure such a grant from his majesty, under his great seal, as might be equally for his majesties service, and for the future settlement of the just rights and priviledges of his subjects, the inhabitants of that colony, and that to their great greif, they yet find the said grant to be stop'd at the great seal, (though his majesty hath twice been most graciously pleased to order the passing the same, with the consent of his most honorable privy council,) for reasons we yet are ignorant of.

And therefore they do most humbly pray your honour, that they may have the objections against it in writing, (if they shall appear of weight to the most honourable privy council,) and time till the next council day to answer the same, and then they doubt not but to make it appear that it is as well for his majesties service, as the safety of that colony, that the said grant should speedily pass.

And they as in duty bound shall forever pray, &c.

Remonst'nces
ag'st stoppage
of the charter.

A short memorial to the right honourable the lord privy seal to move for the passing of the grant forthwith, or that a copy of the objections may be given to the Virginia agents to put in their answer.

RIGHT HONOURABLE,

Memorial to
the Lord Pri-
vy Seal.

WE most humbly desire that your honour would be pleased to move his majesty in council, that our grant (after two positive orders) may at last pass, and if there shall be any objections made, we shall desire we may have a copy of them, and the next council day appointed for the giving in our answer, that at the last there may be a conclusion made of this often reported business, whose delay have been ruinous to us already here, and may we fear be prejudicial hereafter to his majesties service, in that country.

This my lord the prayer of your lordships most humble and devoted servants.

FRANCIS MORYSON,
THOMAS LUDWELL.

My honoured Lord, we hope the objections (if presented) will appear so slight and frivolous, to the right honourable board, that they will receive their answer there, without our trouble.

SIR,

Memorial to
one of the prin-
cipal secre-
taries
of state.

His majesty having (amongst many other most important trusts) committed the care of his plantations to you, as one of his principal secretaries of state, and Virginia being certainly the most considerable amongst them, if it be considered for the advantages it brings to his majesty and this nation, by the customs, vending the manufacture of the nations, employment of shipping, reimporting bullion, and other considerable effects, from the neighbouring nations, by the proceed of tobaccos, which are carried out from hence, more then serves the nation, by employing many thousands of poor people here, in the manufacture of that comodity, by support-

ing the government, and defending the government, at its own charge, &c. This plantation lies, at present, under the greatest hazard of being destroyed by the invasion of the Indians, and the mutinous discontents of the people, who having been at great charges to build forts on some rivers, and others still to be built, and suffered great losses and great expences, in the two Dutch wars, were yet forced to raise a further tax for means to seek relief here, from the pressures of two grants, wherein his majesty hath, for want of due information, been pleased to pass away all the profits and encouragements of that plantation, and near all the power of government, to certain honorable lords and others here, to the very great disquiet of the people there, who considering the nature of those grants, thought it was not duly their duty to his majesty, but likewise their own interest, to endeavour the taking them off, and for the prevention of the like for the future, humbly (by us their agents) to supplicate his majesty, for a confirmation of their properties and privileges, and a confirmation of those gracious encouragements, which they have enjoyed since the first seating of that plantation, which having been accordingly twice graciously ordered, and a bill containing certain heads to pass the great seal, being brought thither we find it stopt there, though we know not the reasons, but that we may not be wanting to his majesties service, (which we believe this to be) not to those who imploied us, we are bound in this paper, humbly to beseech your honour, that as you have with very great care and industry favour'd us, on the behalf of that distressed country, (for which we shall forever pay you our humble acknowledgements) so you will once more, to consider the heads of our grant and our reasons upon them, which we herewith present you.

Remonstrances
ag't stoppage
of the charter

1. To the first head,* where we are impowered to purchase the Lord St. Albans grant; we have often and do still offer, that if his majesty will take off that grant, we will be no longer solicitous of being incorpo-

* The agents, in their various remonstrances, have pursued the arrangement adopted in the report of the attorney, and solicitor general; not that adopted by themselves, in opening the negotiation.

Remonst'nces
ag'st stoppage
of the charter.

rated, though that being limited to the purchase of that grant only, we humbly conceive there could be no inconvenience arise from it, but the contrary, having seated four counties and half, in that neck, before that grant appear'd, the inhabitants in it were very impatient of being reduced by it to other conditions then the rest of the country; but not daring to dispute his majesties grant, endeavoured to purchase their quiet, if his majesty, by that head, would make them capable.

2. To the second head, where we seek an immediate dependance of the crown; we are confident there is no objection to it, and therefore shall say no more of it.

3. To the third, for the residence of the governor; we suppose it will be thought necessary, by the experience of this present distractions; and for the power of choosing a governor, or new councillör, in case of the death or absence of any of them, it is no more then what hath ever been expressed in all the governors commissions, since the resumption of the government to the crown, and is most necessary, because the crown would otherwise be destitute of a governor, so long as from the death of him till advice could come to the king, and another be sent from his majesty, which might hazard the safety of the plantation; nor can there be any inconvenience in this, (as we humbly conceive) since the governor so chosen, is either to be confirmed by his majesties commission, or another sent by him.

4. To the fourth, of our not being taxed but by our consent in assembly; as it hath been ever the practice there, and in the other plantations, so it is a power given them by royal instructions, which, (we humbly conceive,) ought to be confirmed under the great seal; for tho' it might be taken for granted, that as they never have been, so they never should be, otherwise taxed, and that of right, they ought not to be, yet the power of the assembly being only in instructions, and we ordered to seek this further confirmation of it, and this security of the confirmation of their priviledges from his majesties grace and favour, and having obtained two orders to that purpose, and sent the orders which contains those heads into the country, we fear it will disturb them extreamly to find the grant stop'd, and they thereby left to fear what may be their future con-

dition; and this is of the greater consequence, since those apprehensions will principally fall upon the better sort of people, in whom lies the only security of the country against the present, and all such like future disorders.

Remonst'nces
ag'st stoppage
of the charter.

5. To the fifth, we humbly answer, that nothing is or can be meant by it but the future prevention of such grants as have of late so much disturbed the people, and that his majestie may from thence be duly informed of the ill consequences of them.

6. To the sixth, for confirmation of our lands; we humbly offer, that the power of granting lands being only in the instructions, which have been from time to time sent to the respective governors, and they being alterable, we doubt not but his majesty will be graciously pleased to confirm them, as in this head laid down, because the people were ruined if they should, after above 60 years possession, be now divested of their properties in their lands.

7. To the seventh, as it hath been an encouragement that hath been continued since the first planting, and to which we owe the present growth of the plantation, so we hope it will be thought necessary to continue it, and confirm it, under the great seal; for if it be not, then are these two broad seals ready to lay hold on all the lands yet ungranted, with power to sell it, and pass it, under such other rents and reservations, as the proprietors please, which would certainly stop the future growth of that plantation, by driving all persons who want land to other places, where they can have it upon easier and freer terms, which is an inconvenience we humbly hope his majesty will not suffer to fall upon a plantation, which hath by that encouragement grown up to be so beneficial.

8. To the eighth, for the settlement of the escheats; the governor having it in his last instructions to settle them at a reasonable rate, and considering that the present possessors having laid out their estates upon it, or bought it for a valuable consideration, thought fit to set the composition at 2*lbs.* of tobacco per acre, to secure those who had, for want of skill, laid their estates out upon a little, which by escheat would rest in the king, and they, without compounding, would be undone.

Remonst'nces
ag'st stoppage
of the charter.

9. To the 9th, where there is a standing power of *oyer and terminer*, it is so necessary to all governments, that we shall say little to it, but the reason why we pray it may be standing, is, because otherwise there would be a want of such power upon the death of every governor, till the arrival of a new commission, in which interval there may be too many dangerous crimes committed, when the people shall know there is no legal power to punish them.

10. To the tenth, of confirming the authority of the assembly; we conceive it absolutely necessary, since without it we can neither have laws, nor upon any emergence, or other ordinary necessity of the government, we should have no legal power of raising money to defray the charge of war, or other occasions and all their results being limited to his majesties confirmation, we humbly hope there will be no danger found in that concession, and that the contrary would prove ruinous to the peace and prosperity of that plantation.

Thus we have laid the state of our case before your honour, and do most humbly pray you seriously to consider how seasonable it would be for his majesty to apply this grant to the present distractions of that country, how hazardous it will be to deny them any part of what they have received in that order, since that is an open country which hath no standing force upon it, and are so apt to take fire at this necessary charge for their defence against the Indians, that his majesties service is nearly conferred in this, of which if we had not been fully convinced, in our opinions, we do protest, in the presence of God, we would never have moved in it; and do further most humbly pray your honour, to lay the present sad condition of that country before his majesty, and humbly to pray him tenderly to consider how much his own royal interest is concerned, in the present satisfying the minds of his subjects there, that if there were any thing in this grant which they should or could abuse, that thereby it would be forfeited. And now having said all we can in that case, we humbly offer it to your consideration, whether, if what we here say should not be satisfactory to his majesty for the effectual passing this grant, it would not be better for his majesty to try the minds of the people there, by a letter, which may contain what he will be pleased to

grant them, before he concludes them with a shorter grant then what he hath already ordered, and they have received, we hope with that satisfaction, as to allay the present discontents. And may God forever bless you, which is the prayer of.

Remonst'nces
ag'st stoppage
of the charter

Right Honorable,
Your honors most humble servants.



*Papers relating to Bacon's opposition, generally termed
"Bacon's rebellion."*

1676, Bacon's
opposition.

[The following paper is recorded in the office of the general court, in a book labelled "*Deeds and Wills*" from 1670 to 1677, pa. 618. This paper bears date four days after the meeting of the assembly held under Bacon's influence, which was on the 5th of June 1676, (see ante pa. 341), and was probably intended to procure for Bacon the act of indemnity which was passed at that session, as well as the commission of general, which Sir William Berkeley reluctantly signed. See *Burk's Hist. Virg. vol. 2, pa. 169.*]

I Nath. Bacon, jr. of Henrico county, in Virginia, doe hereby most readily, freely and most humbly acknowledge that I am and have been guilty of diverse late unlawfull, mutinous and rebellious practices, contrary to my duty to his most sacred majesties governour and this country, by beating up of drums, raising of men in armes, marching with them into severall parts of this his most sacred majesties colony, not only without order and commission, but contrary to the express orders and comands of the Rt. Hon. Sir William Berkeley, Knt. his majesties most worthy governour, and captain general of Virginia. And I doe further acknowledge that the said honourable governour hath been very favourable to me, by his severall reiterated gracious offers of pardon, thereby to reclaime me from the persecution of those my unjust proceedings (whose noble and generous mercy and clemency I can never sufficiently acknowledge) and for the re-settlement of this whole country in peace and quietnesse. And I doe hereby, upon my knees, most humbly begg of Al-

Bacon's ac-
knowledgm't.

Bacon's opposition.

mighty God and of his majesties said governour, that upon this my most hartly and unfeigned acknowledgement of my said miscarriages and unwarrantable practices, he will please to grant me his gracious pardon and indempnity, humbly, desireing also the honourable councill of state by whose goodnesse I am alsoe much obleiged, and the honourable burgesses of the present grand assembly to interceed and mediate with his honour to grant me such pardon. And I doe hereby promise, upon the word and faith of a christian and of a gentleman, that upon such pardon granted me, as I shall ever acknowledge so great a favour, soe I will alwaies bear true faith and allegiance to his most sacred majestie, and demeane myself dutifully, faithfully and peaceably to the government and the laws of this country; and am most ready and willing to enter into bond of two thousand pound stirling, and for security thereof bind my whole estate, in Virginia, to the country for my good and quiett behaviour, for one whole yeare from this date, and doe promise and obleige myself to continue my said duty and allegiance at all times afterwards. In testimony of this my free and hartly recognition, I have hereunto subscribed my name, this 9th day of June, 1676.

NATH. BACON.

Wee of his majesties councill of state of Virginia, doe hereby desire, according to Mr. Bacon's request, the right honourable the governour to grant the said Mr. Bacon his pardon. Dated the 9th of June 1676.

Phill. Ludwell,	Hen. Chichèley,
James Bray,	Nathl. Bacon,*
Wm. Cole,	Thos. Beale,
Ra. Wormeley,	Tho. Ballard,
	Jo. Bridger.

* There were two persons of the name of Nathaniel Bacon, who have been generally confounded by our early historians. Nathaniel Bacon the elder was a member of the council, and regularly sat on the courts martial and civil courts, on the trial of the rebels, as they were then called, after the death of Nathaniel Bacon the younger, who headed the rebellion, and who was a member of the house of burgesses for Henrico county

[The laws passed at the session of June 1676 under the influence of Bacon. will shew the abuses which had crept into the government. They commence on page 341 of this volume, and are most salutary in their nature. Though they were afterwards all repealed by proclamation, yet at the succeeding sessions, most of them were re-enacted in the very same words, as will be seen by comparing the laws to which references are made in the margin. By a proclamation of the king of the 27th of October, 1676, Sir William Berkeley was authorised to grant a free and general pardon, Bacon alone being excepted (see ante page 428). It will be seen by the acts of February 1676-7, and the subsequent proceedings of the *courts martial* and *civil courts*, that his thirst for *blood* and *confiscation* induced him to disregard the authority of the king, if indeed he were sincere in his declarations, which may well be questioned, in as much as we find that after the arrival of his commissioners several other persons were condemned and executed, and that the commissioners themselves sat on the trial of *seven* of the prisoners who were condemned. For the report of these commissioners, see *Burk's History Virginia, vol. 2. pa. 247, et seq. and Bland MS. pa. 320.*]

Bacon's opposition.

Att a Court Marshall held on board capt. Jno. Martins shipp in Yorke River, January 11th, 1676-7.

Present, the Right Honourable Sir William Berkeley.
Knt. Governour and captain general of Virginia.

Coll. Nathl. Bacon,*	Coll. Wm. Claiborne,
Coll. Tho. Ballard,	Coll. Southy Littleton,
Coll. Phill Ludwell,	Lt. Coll. John West,
Coll. Augustine Warner,	Major Law. Smith,
Major Robert Beverley,	Capt. Anth. Armestead,
Coll. Math. Kemp,	Capt. Danl. Jenifer.

[From a book in the office of the gen'l. c't. label'd 'deeds & wills,' from 1670 to 1677, No. 2, p. 264.]

* This was Nathaniel Bacon *the elder*, who adhered to the governor; it was Nathaniel Bacon *the younger* who headed the opposition to the government, and who was dead at this time.

Thomas Hall,
condemned to
be hanged.

Thomas Hall being brought before this court, and accused of treason and rebellion against his majestie; and it appearing by divers writings under his owne hand that he hath been a most notorious actor, ayder and assistor in the rebellion, to which the said Hall confesseth himself guilty. Therefore the court are unanimously of opinion and doe adjudge that the said Hall deserves death. Sentence of death therefore past upon the said Hall, to be hang'd upon the gallowes (on the South shore) by the neck untill he be dead.

The 12th January 1676-7.

Thos. Young.

Thomas Young being brought before this court, and accused of treason and rebellion against his most sacred majestie; and it appearing that he hath been a most notorious actor, aydor and assistor in the rebellion, to which the said Young confesseth himself guilty. Sentence of death therefore past upon him to be hanged by the neck upon the gallowes untill he be dead.

Henry Page.

The same accusation against Henry Page, and sentence accordingly past upon the said Page.

Jas. Wilson.

The same accusation against James Wilson, and sentence past accordingly upon the said Wilson.

—————

*Att the house of James Bray, Esq. January 20th,
1676-7.*

Present, the right honourable Sir William Berkeley,
Knt. governour and capt. genl. of Virginia.

Coll. Nathl. Bacon,
Coll. Phill Ludwell,
Coll. Tho. Ballard,
Coll. Ch. Moryson,

Lt. Coll. Jno. West,
Lt. Coll. Edwd. Ramsey,
Lt. Coll. Hill.
Major Page.

Wm. Drummond.

Wm. Drummond being accused of treason and rebellion against his majestie. which appearing by divers oaths, and his own confession, sentence of death therefore past against the said Drummond to be hanged by the neck untill he be dead.

The same accusation against John Baptista, and John Baptista.
sentence past accordingly upon the said Baptista,

Att a Court Marshall held at Green Spring the 24th
day of January 1676-7.

Present, Sir William Berkeley Knt. Governor and
capt. genl. of Virginia.

Co'll. Bacon,	Co'll. West,
Co'll. Ballard,	Co'll. Hill,
Co'll. Ludwell,	Co'll. Ramsey,
Co'll. Claiborne,	Major Page.

James Crewes being brought before the court for Jas. Crewes.
treason and rebellion against his most sacred majestie,
and pleading nothing in his defence, and the court be-
ing very sencible that the said Crewes was a most no-
torious actor, aydor and assistor in the rebellion;
therefore the court are unanimously of opinion, and
doe adjudge him guilty of the accusation: Sentance of
death therefore past upon him to returne to the prison
from whence he came, and from thence (on Friday
next) to be carryed to the gallowes, there to be hanged
by the neck untill he be dead.

The same accusation (of James Crewes) against Wm. Cookson
Wm. Cookson; and sentance of death accordingly
past upon him. Wm. Cookson

The same accusation (of James Crewes) against John Digby.
John Digby; and sentance of death accordingly past
upon him.

The same accusation (of James Crewes) against Wm. Rook-
ings; and sentance of death accordingly Wm. Rook-
past upon him. ings.

The same accusation (of James Crewes) against Wm. West.
Wm. West; and sentance of death accordingly past
upon him.

The same accusation (of James Crewes) against Jno. Turner.
John Turner; and sentance of death accordingly past
upon him.

Henry West being found guilty of treason and re- Henry West,
bellion against his majestie; but for that he hath not banished.
been so notorious as the rest, the court have thought

His estate forfeited.

fit, (out of the compassion they have) and doe accordingly order, that he be banished out of the country for the space of seven years, either to England, Barbadoes, Jamaca or any of the islands, and if he returne within the said time limited, then to suffer the rigour of the law for his treason and rebellion. And the court doth adjudge his estate to be forfeited to his majestie, except five pounds, which is allowed him to pay his passage.

Proceed'gs of the court of civil jurisdiction

Att a court held at Green Spring the 1st of March 1676-7.*

Present, Sir Wm. Berkeley, Knt. Gov'r. &c.

Coll. Nath. Bacon.	Coll. Jos. Bridger,
Coll. Phill Ludwell, dep'ty sec'ry	Ja. Bray Esq.
Coll. Thos. Ballard,	Coll. Wm. Cole.

Jno. Sanders, pardoned, but fined 2000 lbs. tobacco.

John Sanders being a notorious actor in the late rebellion, and by the governour's proclamation of pardon being exempted, butt upon his humble petition and submission to the governour, he was pleased to grant him the benefit of his proclamation of pardon; but for that the said Sanders hath been very active in the late rebellion, the court have thought fit and doe order that he be fined two thousand pounds of tobacco and caske to the countrie, to go towards the satisfaction of the souldiers. to be paid next yeare.

The 3d of March 1676-7.

John West & Chas. Scarborough admitt'd to the benefit of the king's proclamation.

This day John West and capt. Ch. Scarborough had granted them the benefit of his most sacred majestie's proclamation; and did take the oath of obedience to his majestie.

* This was the first *civil* tribunal before which any of the adherents to Bacon were tried; and this was not held until after the arrival of the king's commissioners, *Herbert Jeffries, Sir John Berry and Francis Moryson*. (See *Burk's Hist. Virg.* vol. 2, page 253. *et seq.*) Before their arrival, the prisoners were tried by a military tribunal only; but the commissioners arrested the *bloody* system of Sir William Berkeley.

Governor absent.

Itt being most evident that captain Charles Scarburg hath uttered divers scandalous and mutinous words tending to the dishonour of the right honourable the governour; but the said captain Scarburg submitting himself, and being ready to comply with what fine the court shall adjudge against him, the court have thought fitt and doe order that the said captain Scarburg be fined or amerced fowerty pounds sterling, to be paid upon demand to the right honourable the governour, which the said captain Scarburg willingly submits to.

Char's Scarburg fined 40l. to the governour.

Itt being evident that coll. Wm. Kendall hath uttered divers scandalous and mutinous words tending to the dishonour of the right honourable the governour; butt the said coll. Kendall submitting himselfe, and offering fifty pounds sterling as a fine for his soe great crime; and the right honourable the governour desiring the court to pass the same into order, they have therefore thought fit and doe order that he pay the said somme upon demand to the right honourable the governour, which he willingly submits to, and hath accordingly performed the same.

Col. Wm. Kendall fined 50l. to the governour.

*Att a court held at Green Spring the 8th day of March
1676-7.*

Present, Sir Wm. Berkeley, Knt. Governour, &c.

Herbert Jeffries Esq.	} His majesties com'rs*
Sir John Berry, Knt.	
Fra. Moryson Esq.	
Coll. Nath. Bacon,	
Coll. Phill. Ludwell, dep'ty sec'ry.	
Coll. Wm. Cole.	

It is the judgment of this honourable court that none but such persons who are freeholders and housekeepers are of capacity to be jury men.

None but freeholders and housekeepers to be jurors.

* The sitting of the commissioners at this court corresponds precisely with their account given to the king. See Bland MS. no. 326, Berk's History Virg. vol. 2, p. 255.

Giles Bland
condemned to
death.

Giles Bland being convicted for divers rebellions, treasons and other misdemeanors committed by him against his most sacred majestie; the grand jury brought in their verdict *Billa Vera*, then the jury of life and death were impaneled, who bring in their verdict *guilty*, according to the indictment. Sentence of death therefore past upon him according to forme.—15th instant.

Rob't. Jones.

Robert Jones being convicted for divers rebellions, treasons and other misdemeanors by him committed against his majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in the verdict *guilty* according to the indictment. Sentence of death therefore past upon him according to forme.—15th Instant.

The 9th of March.

Anthony Ar-
nold.

Anthony Arnold being convicted of divers rebellions, treasons and misdemeanors by him committed against his majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty*, according to the indictment. Sentence of death therefore past upon him according to forme.—15th Instant.

Richard Far-
mar.

Richard farmer being convicted for divers rebellions, treasons and other misdemeanors by him committed against his majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to the indictment. Sentence of death therefore past upon him according to forme.—15th Instant.

Robt. Stoakes.

Robert Stoakes being convicted for divers rebellions, treasons and other misdemeanors by him committed against his majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to indictment. Sentence of death therefore past upon him according to forme.—15th Instant.

The 10th March 1676-7.

Present, Sir Wm. Berkeley, Knt. Governour, &c.

Coll. Nathaniell Bacon, Coll. Wm. Cole,
Coll. Phill. Ludwell, dep'ty sec'ry. R. Wormeley Esq.

John Isles being convicted for divers rebellions, treasons and other misdemeanors by him committed against his majestie, the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to the indictment. Sentence of death therefore past upon him according to forme.—15th Instant. John Isles.

Richard Pomfrey being convicted for divers rebellions, treasons and other misdemeanors by him committed against his majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to the indictment. Sentence of death therefore past upon him according to forme. Rc'hd. Pomfrey.

The 15th March 1676-7.

Present, the right hon. the Governour, &c.

Coll. Nath. Bacon, Ralph Wormeley Esq.
Coll. Phill. Ludwell, Coll. Jos. Bridger,
Coll. Wm. Cole, Coll. Thos. Ballard,

William Hatcher being brought before the court for uttering divers mutinous words tending to the disquiett of this his majesties countrey, and it being evidently made appeare what was layd to his charge by divers oaths, and a jury being impannelled to asseesse the damages, who bring in their verdict that they award the said Hatcher to pay tenn thousand pound of tobacco and caske, which verdict of the jury this honourable court doth confirme; but in respect that the said Hatcher is an aged man, the court doth order that the said Hatcher doe pay with all expedition eight thousand pounds of drest porke unto his majesties commander of his forces in Henrico county, for the supply of the Wm. Hatcher
fin'd in 8000^lbs.
pork for the
use of the
king's sold'rs.

souldiers, which if he fayle to doe, that he pay eight thousand pounds of tobacco and caske the next cropp, and pay costs.

Nevett Wheeler admitted to the benefit of the king's proclamation.

Nevett Wheeler petitioning to this court to take hold of his most sacred majesties gracious proclamation of pardon and indemnity, and submitting himselfe, the court are of opinion that he have benefit of his majesties pardon allowed him.

Sds. Knowles taken prisoner together with all his goods, serv'ts, slaves, &c.;

Whereas Sands Knowles, of Kingston parish in Gloucester county, being in rebellion against his majesty, was, in the month of October last, (then in the height of the late horrid rebellion) by virtue of a commission to major Robert Beverley, granted by the right honourable the governour, taken prisoner, and with him, divers of his goods, servants, slaves, provisions, and a shallop, seized, taken and carryed away by the said Beverley and the souldiers under his command, and presented to the right honourable the governour, then at the house of major. gen. John Custis, in Northampton county, on the Easterne shore; who, for the said Knowles his rebellious and treasonable practices, committed him to prison, and condemned all his said goods, servants, slaves, provisions, and boate, and ordered and disposed part of the same to be expended, sould, and layd out for provisions for his majesties souldiers, which was accordingly done, and gave the rest immediately to the said Beverley and his souldiers under his command for their encouragement and good service. And whereas the said knowles remains a prisoner, under bayle, to this day, to answer the crimes, rebellions and treasons by him committed against his most sacred majestie. and soe excepted out of the right honourable the governour's general pardon, bearing date the 10th of february 1676-7, and grounded upon his majesties most gracious proclamation of pardon; for the crimes, treasons and rebellions by him committed, humbly offering to renounce. acquitt, and discharge all right or claime of him the said Knowles, forever hereafter, to any or all the said goods, servants, slaves, boate or provisions, by the said Beverley, or any souldier with him, soe taken and carried away, acknowledging the same to be justly lost (by him) and forfeited forever; his said relinquishment of the said goods, &c. was ordered to be entered upon record;

be committed to prison by the governour and his estate partly given to major Robert Beverley and his soldiers, & partly expended among the soldiers;

and he being willing to renounce all claim to it is pardoned.

and the said Knowles his petition granted, and his acknowledgement and humble submission, in open court, put upon record, to the end the king's majesties most gracious pardon may be of full force and effect to him the said Knowles, and his remaining estate, he taking the oath of obedience and giving good bond with securitie for his future good behaviour.

A similar order was made in the case of George Seaton, with this difference only, that four hogsheads of tobacco had been seized by order of the governour, and marked with the *broad arrow*, but had not been removed, he was therefore permitted by the court to use it, until it should be determined by the king and council whether it was not forfeited by the seizure.

Similar order
in the case of
Geo. Seaton

The 16th March 1676-7.

Present, the right hon. Sir Wm. Berkeley, Knt. governor, &c.

Coll. Nath. Bacon.
Coll. William Cole,
Ralph Wormeley Esq.

John Whitson being convicted of divers rebellions, treasons and other misdemeanors, by him committed against his most sacred majestie, the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to the indictment. And sentence of death past upon him according to forme.

John Whitson
condemned to
death

Wm. Scarborough being convicted of divers rebellions, treasons and other misdemeanors, by him committed against his most sacred majestie; the grand jury brought in their verdict *Billa Vera*, and the jury of life and death brought in their verdict *guilty* according to the indictment. And sentence of death past upon him according to forme.

Wm. Scarbo
rough.

The 17th March 1676-7.

Wm. Tiballs
& Henry Gee,
ordered to ap-
pear before the
king's com-
missioners at
Swans Point,
for scandaliz-
ing them and
disturbing the
peace of the
country.

By the right honourable the governour and honour-
able council of Virginia.

Whereas captain Wm. Byrd gave information to
this court yesterday that Wm. Tiballs and Henry Gee
did utter severall scandalous words tending very much
to the prejudice of the right honourable his majesties
commissioners, and the peace and quiett of this coun-
try; this court have therefore thought fitt, and accord-
ingly have ordered that the said captain Wm. Bird, to-
gether with the abovenamed persons, and all the evi-
dences doe forthwith goe over to the place of abode,
at *Swans Point*, of the right honourable commission-
ers, there to be by them examined and to receive such
punishment for their offence as they shall think fitt.

Chas Blanck-
vile to ask par-
don on his
knees with a
rope ab't his
neck.

Whereas Charles Blanckevile being brought before
this court for being active in the late rebellion, who
petitioning for the liberty of his majesties most gracious
proclamation of pardon; but, in regard the said
Blanckevile hath lately been very active in stirring up
the people to mutiny, by speaking divers mutinous
words in the county of Elizabeth Citty, the court have
therefore thought fitt, and doe order that the said
Blanckevile, in time of the next county court of Eliza-
beth Citty, upon his knees, with a rope about his neck,
ask pardon for his rebellion and treason, according to
submission, and pay costs.

=====
The 22d March 1676-7.

Present, Sir Wm. Berkeley, Knt. Gov'r. &c.
Sir. Hen. Chicheley, Knt. Coll. Phill Ludwell dep. sec.
Coll. Nath. Bacon, Coll. Wm. Cole,
Ralph Wormeley Esq.

W. Tiballs &
Hen. Gee fin'd
in 1000*lb.* pork
each for sp'ng
disrespectfully
of the king's
commission'rs.

Whereas Wm Tiballs and Henry Gee, of Henrico
county being brought before this court for uttering di-
vers scandalous and mutinous words tending to the
disquiett of the country and reflecting upon his majes-
ties commissioners, and the court desireing the com-
missioners to examine the matter and make report, who
gave report that the charge was sufficiently proved be-

fore them, this court have therefore thought fitt, and doe accordingly order that the said Wm. Tiballs and Henry Gee, each of them pay one thousand pounds of neate porke for the use of his majesties souldiers, and the sherriffe of Henrico county is order'd to take security from the said Tiballs and Gee for the payment of the said Porke in November next, and likewise to see if they have not given bond with security for their treason and rebellion, that good security be taken from them.

Jeremiah Hooke, and Jno. Wisdom, and Thomas Warr being brought before this court for their being notorious actors, aydors and assistors in the late rebellion, and petitioning rather then to come to a trial for the same that they may be banished, the court doth therefore order that they be banished for the terme of seven years, either to New England, Barbadoes, Jamaica, or any other of the islands, and not to returne within that time under the forfeiture of being prosecuted according to law, and that they depart the country within two months, and give good security for their good behaviour dureing their stay in the country.

Hook, Wise
dom & Warr,
banished.

Thomas Maples and thomas Baker being brought to this court for uttering divers mutinous words tending to the disturbance of the peace of this countrey, which being sufficiently proved by good oaths, the court have thought, and accordingly ordered that the said Maples and Baker pay one thousand pound of neate porke each of them to the use of his majestie's souldiers* give bond with good security to Mr. Tho-

Tho. Maples &
Thos. Baker
fined in 1000lb.
pork each.

* Several heavy fines, payable in pork, were about this time inflicted. It was found a convenient mode of providing rations for the king's troops, who were sent over to quell the rebellion. In the Bland MS. pa. 320. and Burk's Hist. Virg. vol. 2, pa. 250, is inserted a paper called a "Review, Breviarie and Conclusion," signed by Herbert Jeffreys, John Berry and Francis Moryson, who were the king's commissioners, giving an account of the rise, progress and termination of Bacon's rebellion; and notwithstanding they complain of the cruelties of Sir Wm. Berkeley, yet we find that the same system of death, confiscation and banishment continued to a very great degree after their arrival. It must be recollected that those commissioners arrived, in Virginia, on the 29th of January 1676-7, (See Bland MS. pa. 324. Burk's Hist. Virg. vol. 2. pa. 353), and that previously to their arrival, several persons had been condemned and executed under sentence of *courts martial*, which sat on the 11th, 12th, 20th and 24th of January 1676-7. See ante pa 545 *et seq*

mas Marston for their good behaviour, and likewise for payment of the said 2000*lbs.* porke in November next with costs.

Col. Henry Gooch, fined in 6000*lb* porke.

Lt. Col. Henry Gooch petitioning to this court, and upon his knees imploreing his most sacred majesties gracious pardon, and the right honourable Sir William Berkeley, Knight, his Majesties Governors pardon, for his treason and rebellion against his most sacred majestie, and desireing that he may pay six thousand pounds of neate porke for the use of his majesties souldiers, the court have thought and doe order that he have the benefitt of his majesties proclamation of pardon, and that he give bond with good security for his future good behaviour &c. and that he pay the said somme of 6000*lbs* of porke in November next, for the use of his majesties souldiers as aforesaid.

Ch st Muschamp condemned to ask pardon with a rope about his neck.

Christopher Muschamp petitioning to this court for the benefitt of his majesties most gracious proclamation of pardon for his treason and rebellion. The court have thought fitt and doe accordingly order that (for that the said Muschamp hath been very active in the late rebellion) he with a rope about his neck upon his knees at the next court held in Warwick county, begg pardon for his rebellion and treason.

[**K** It would be needless to enumerate all the instances in which fines, forfeitures, banishment and ignominious punishments were inflicted on the unfortunate adherents to Bacon. They are very numerous, and may be seen in a book preserved in the office of the general court, labelled "*Deeds and Wills*" from 1670 to 1677, No. 2, pa. 264, *et seq.* An instance of each kind is here given.

It would seem that the punishment of appearing in court, with a rope about the neck, prescribed in several cases, both by act of assembly and orders of court, did not meet with the approbation of the people: for we find that that punishment was, in some instances evaded by the connivance of the courts, as in the following: See Book in Off. Genl. Ct. labelled "*Deeds and Wills*" from 1670 to 1677, No. 2. pa. 297. 305.]

At a general court held at Middle Plantation, September 28th, 1677.

Present, the right honourable Herbert Jeffreys, Esqr.
Governour, &c.

Thomas Ludwell Esq. sec'ry.	Coll. Jos. Bridger.
Coll. Bacon,	Coll. Jno. Custis.
Coll. Cole.	

Information being made to this court that Thomas Gordon and John Bagwell, two persons adjudged by act of assembly for their rebellion and treason to appear at the county court at Rappahannock with halters about their necks, and upon their kness, to acknowledge their said treasons and rebellions against the kings majestie, did, in contempt of the said law and the kings majesties authority in this his colony, appear in the said court with *small tape* (instead of halters) about their necks, which was allowed and accepted of by the magistrates then sitting, not only contrary to, but in high contempt of the good laws and his majesties authority here. *It is therefore ordered by this court* that major Robert Beverley, clerk of the assembly doe make present inquiry into the truth of such information, and as he shall find the same, hee is hereby ordered, commanded and impowered to summons all parties soe offending whether magistrates or others, and alsoe such evidences to prove the matter as he shall finde needfull to the next assembly, to answere such high contempt before the right honourable the governour and councill, and house of burgeses, to them such contemners, dispisers and slighers of the laws, upon due conviction, may receive condinge punishment of their fault.

Thos. Gordon & Jn. Bagwell who were adjudged to appear in Rappahannock c't with ropes ab't their necks, were permitted to appear with small tape.

October 26th, 1677.

Whereas William Potts, being enjoined to performe the law for his rebellion and treason, and hee not performing the same, but instead of a halter about his neck, hee wore a *Manchester binding*, *It is ordered* that the sherriffe see the said Potts performe the law,

Wm. Potts permitted to appear in c'rt with a *Manchester binding* instead of a rope about his neck.

with a halter about his neck, next county court at Rappahannock. And that Potts pay all those persons charges whoe were sumoned to appeare before the governour and councill concerning the said Potts, according to act.

[Sir William Berkeley ceased to be governour on the 27th of April 1677, at which time he was sent for by the king. He died shortly afterwards, as may be inferred from the following copy of his will. After his death a suit was instituted by the widow of William Drummond, who had been executed under a sentence of the court martial, against Lady Frances Berkeley for a trespass in taking from the land occupied by Mrs. Drummond, a quantity of corn. The petition of Mrs. Drummond, the answer of Mrs. Berkeley, and the whole of the evidence, are preserved in a book in the office of the general court, labelled "*Bonds, &c.*" from 1677 to 1682, No. 2, pa. 80, 87 *et seq.* Mrs. Drummond complains of the cruelty of Sir William Berkeley, in the trial, condemnation and execution of her husband, and of the injustice of Mrs. Berkeley in depriving her of her corn. Mrs. Berkeley on the other hand, justifies, with great zeal, the conduct of her husband, and endeavours to prove that she was entitled to the corn, in consideration of the labor she bestowed on the plantation of Drummond, (who was Sir Wm. Berkeley's tenant) and the preparations which she had made for the same crop before Mrs. Drummond's return to it, and while it lay in a most ruinous state. A verdict was however, found for Mrs. Drummond. The evidence is not confined to the mere action of trespass, but goes fully into the character of Sir Wm. Berkeley, of Drummond and his wife, during the rebellion, and discloses many curious facts in relation to those times. It is to be regretted that want of room prevents its insertion entire.]

Sir W. Berkeley's will.

SIR WILLIAM BERKELEY'S WILL.

In the name of the Almighty, all Merciful God, Amen.

I Sir Wm. Berkeley, Knt. and by his sacred majesties favour, now governour of Virginia, being in perfect health of body and mind, blessed be God, doe

make this my last will and testament, not knowing the hower or moment when it shall please God, in his justice or mercy, to call me out of this world. And first I desire God, who gave it, to take my soul into his mercy; and that, for the onely merrits and mercies of my *blessed Saviour Christ Jesus*. My body I give to the earth, from whence it came.

My goods, I thus dispose of. *First*, I make my deare and most virtuous wife, the Lady *frances Berkeley*, my full and whole executrix of all the goods God has blessed me with in this world. *Next*, with my goods, I give to her all my lands, houses and tenements, whatsoever; and not onely to her, *but to avoid all cavill*, to her *and her heires forever*.* *Next*, I give to my dear sister, Mrs. Jane Davies, one hundred pounds sterling, in case it appeares my Dear Wife has three thousand pounds sterling to maintaine her in the quallity of my wife.

Lastly, in contemplation of the friendship and kinnesse of Mrs. Sarah Kirkman, that I may be remembered of so virtuous a good woman, I give her tenn pounds to buy her a ring; and tenn pounds to my cozen francilia, to buy her cloaths for wedding. And I doe further make this declaration, that if God had blest me with a far greater estate, I would have given it *all* to my Most Dearly beloved wife; † for my brother, the lord Berkeley's children, have noe want of that little I can dispose of; and to the rest of my kin-

[From a book in the office of the gen. court lab. "Bonds, Comm's," &c. 1677 to 1682 No. 2, page 140.]

* This clause was, doubtless, intended as a sarcasm on the absurd decisions of the English courts, in which it was held, that unless there were words of perpetuity added to a devise of land, the devisee would only take an estate for life, and the fee would descend on the heir at law. These decisions having become a rule of property have been long adhered to in opposition to the individual opinions of the judges as to their propriety; though they have been greatly narrowed by subsequent determinations.

† It appears from the dispositions of this will, that Sir William Berkeley left no children.—Lady Frances Berkeley, who seems to have been the widow of Samuel Stephens (See ante pa. 321, 322, 323) when Sir Wm. Berkeley married her, after the death of Sir William intermarried with Phillip Ludwell, but still retained her name and title of "*Lady Frances Berkeley*."—A deed from Ludwell and her as his wife, under the name of Dame Frances Berkeley reciting this will, is recorded in the office of the general court. *Deed Book No. 3, pa. 123.*

dred (all but my dear sister Davies) I am farr from haveing any obligation to. I do therefore againe, with my hand and seale, confirme this to be my last will and testament Dated the 2d of May 1676,

WILLIAM BERKELEY, (*Seal.*)

Upon a review of this will, this 20th of March 1676-7, by Sir Wm. Berkeley, he did, being of perfect memory, publish and declare the same to be his last will and testament, in presence of us.

Nath. Bacon,	Phill Ludwell dep'ty sec'ry.
Tho. Ballard,	Jos. Bridger,
Wm. Cole,	Robt. Beverley,

The 22d of November 1678, this will proved in court, and a probate granted the executrix, in the will nominated.

Recorded, per me.

HEN. HARTWELL, Clk. Ct.

The king expresses his displeasure at the declaration made by the assembly, that the seizing of their papers by the king's commiss'rs was a violation of their privileges.

ORDER MADE BY KING CHARLES II,

The 21st December 1681, in Council ;

WHEREAS he was pleased by his instruction dated in December 6, 1679, to direct the lord Culpeper to signifie his majestys high resentment of a seditious declaration made by the assembly of Virginia during the government of col. Jefferies, whereby they set forth " that his majesty's commissioners having called for and forced from the clerk of the assembly all the original journals of the assembly, which power they supposed his majesty would not grant them, for that they find not the same to have been practiced by any of the kings of England, and did therefore take the same to be a violation of their privileges desiring with all satisfaction to be given them that they might be assured no such violation of their privileges should be offered for the future." To the end therefore that such unwarrantable proceedings of the assembly may not be taken for a president

hereafter and seem to have his majestys allowance he declares that as he is graciously pleased to pardon the persons offending therein, so he does wholly disapprove the said declaration and directs that not only all records to that effect be taken off the file and rased out of the books in Virginia, and signifies his roial pleasure to the lord Culpeper to propose a bill in the next assembly condemning the said proceeding and declaring the right of his majesty and his officers to call for all the public records and journals whenever they shall think it necessary for his roial service.* (*Bland MS. page 474.*)

The declaration of the assembly ordered to be taken off the file & erased.

Ld. Culpeper instructed to propose a bill asserting the power of the king and his officers to call for the assembly's papers.

10th of May 1683.

The council make report to the governour of the state of the country for three years.

Report of the council as to the state of the country, from 1680 to 1683.

THAT his excellency left Virginia in August 1680, leaving Sir H. Chicheley deputy governour with instructions which were not made known to most of the council, and the government went quietly on till the usual time of shiping tobacco in the year 1681, and then the traders were obstructed in their traffick under color of an act of assembly made in June 1680, which enjoined them to bring their merchandizes to certain places, and from those places to lade all their tobacco, but several masters and traders not finding any reception or shelter for themselves or merchandize did absolutely refuse to comply with the act, and traded as

Obstructions to trade by the act of June 1680, concerning towns.

* Tho' the assembly complain of a violation of their privileges, in forcing all their journals and papers from their clerk, yet it is very evident that he retained many of them. Robert Beverley, who was then the clerk, absolutely refused to deliver up the records of the assembly, without orders from that body. For his refusal he was persecuted and imprisoned by order of the governor and council, refused the benefit of the *habeas corpus*, and even at his death in 1687, all the papers were not obtained from him; for the governor and council in that year, made an order directing them to be taken from his widow. His firmness at the commencement of this business cannot, however, be reconciled with the abject submission which he appears afterwards, in 1684, to have made: and which is recorded in the office of the general court in *Decid Book No. 3, pa. 130.* [Papers relating to Beverley's case are reserved for the third volume.]

Petitions for calling an assembly, for a suspension of planting tob.

Assembly summoned without order from council, in April 1682, but adj'd. without doing any thing.

Inhabitants of certain counties fall to cutting up tobacco plants.

State of the country very poor.

At peace with Indians.
Propositions.
As to Indian trade.

That no Indian be made a slave.
For preserving the boundaries of the colony.
For reducing the quantity of tobacco.
Garrison.
Petition the king for a vessel of war.

they used to do, for which they suffered much inconvenience and trouble, the prosecution being chiefly managed by such persons and their instruments who had a particular regard to their own interests, whereby trade was greatly discouraged, and the best part of the country dissatisfied; afterwards the same persons insinuated with the easiest sort of people how advantageous an act for a cessation of planting for one year. Many people in 3 or 4 counties sign a petition to the governour to call an assembly for that purpose which were favourably, thereupon an assembly summoned without advice of council to meet in April 1682, which met accordingly, but after some time spent in fruitless debates were dissolved and another summoned. Then many persons in Gloster, New Kent and Middlesex petitioning counties fall to cutting up tobacco plants, to prevent which the deputy governour issued several proclamations, the chief actors being inconsiderable people they forbore prosecution, hoping that time would discover the authors and contrivers of this scheme.

The present state of the country extremely poor, people not able to buy common necessaries whereby they are led to beleive all suggestions, how impracticable soever; at peace with the Indians, but obliged to keep some forces in pay to prevent sudden mischiefs. Propose that the Indian trade should be confined and by his majesty's direction put into the hands of one or 2 persons men of integrity and ability for 5 years, and they to pay for the same towards supporting the government. That no Indian should be a slave, that the bounds of the country may not be encroached on as had been attempted by the government of Carolina and lord Baltimore. They propose for lessening the quantity of tobacco that none should be planted after the 24th of June, and that Maryland may be under the same restriction; and for better security of the country that a garrison and sixty soldiers may be maintained, which would prevent disorders or suddenly suppress them. They supplicate his majesty that he would for the security of the country against pirates direct that a man of war ketch with 12 guns and 40 men be appointed to attend upon the government, whereby many frauds in the exporting tobacco to the plantations

might be prevented. That whereas his majesty had granted all the quit rents of the southern part of this colony to the lords Arlington and Culpeper for a certain term of years, that his majesty would be pleased to give those noble lords something in lieu, and appropriate the quitrents together with all escheats to the use of the government. That his majesty would be pleased to take under his consideration the act for towns and signify his will and pleasure to the next assembly. And whereas there are many contingent charges which are to be paid for the support of the government by the assembly, there being no standing revenue to discharge the same, and the burgesses wages and their officers salaries commonly exceed the whole public charge.

Grant to l^{ds}
Arlington and
Culpeper.
Escheats and
quitrents.

Act for towns.

Revenue.

Civil list.

Therefore they propose that his majesty will be pleased to direct the general assembly that some more easier method may be settled for discharging the public debts and to provide that the governour and council may be impowred to raise 20*lbs.* tobacco per poll for the paying the public debts, and the tobacco so levied for to be accounted for to the next assembly, which would be no greater power than the justices have in every county.

Signed,

Robert Smith,
Jos. Bridger,
Phill Ludwell,
Jno. Page,
Wm. Byrd.

Nich. Spencer,
Nath. Bacon.
Wm. Cole,
Rich. Lee.

May 4th, 1683.

January 31st, 1682-3.

FORASMUCH as by the 13th cap. of the Statute of Gloster,* it is provided that after such time as a plea shall be moved, in any court by writ, the tenant shall have no power to make any wast or estreptment of

Waste pre-
vented by the
sheriff, pend-
ing a suit.

* This was the statute 6 Edward, 1 ch. 13, which is literally adopted in our code. See 1 Rev. Code, Ch. 139, § 8, page 277 See also Cay's abridgmt. vol. 1, tit. "Estreptment."

of these presents. And that you shall receive proportionably to the like sum of the pay appointed for the Governour of Virginia for the said 25th day of March last that from a farther date the same verse the Lord Culpeper shall be paid yearly in Virginia and you in England for so long as you shall after that day continue in that service. After which pay you shall not communicate with any persons or reveal to Virginia out of the same remembrance what you shall the earnest of the said Lord Culpeper to whom also wee have imputed out all the perquisites belonging to the Governour since Sir Wm. Berkeley's death as well as arrears not actually received by you before the hereof be reserved to be had received and managed of you in the said Thomas Lord Culpeper. Wee doubt not of your ready compliance with our pleasure herein signified. And so wee bid you farewell. Given at our Court at Whitehall the 27th day of December 1677 in the third and twentieth yeare of our reign.

By his Majesty's Command.

H. Cornwale

To Herbert Jeffreys Esq;
our Lieut. for the Plantations
of Virginia.

Printed by I. Smith, at the Gunnepowder Office, in St. Dunstons Church-yard, London.

From a volume belonging to the Hon. the Earl of Pembroke, 60. 1677-1682, pp. 181-183.

CHARLES the second by the grace of God King of England Scotland France and Ireland King Defender of the Faith &c. To all to whom these presents shall come Greeting. Know ye that wee for and in consideration of the many good faithful and acceptable services done and performed unto us from time to time, as well in foreign parts as within our Dominions by our right trusty and well beloved Thomas Lord Culpeper baron of Thorsway eldest son and heir of our late right trusty and well beloved Councillor John Lord Culpeper deceased of whose memory and services we alsoe retain a gracious and favourable serce and for divers other good causes and considerations as

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181. 183.
1677.

thereunto especially moving of our especial certaine knowledge and meer motion, have given and granted and by these presents for us our heirs and successors doe give and grant unto the said Thomas Lord Culpeper the office of our Lieut. and Governor General of all that our colony and dominion of Virginia in America with all the rights members and appertenan-ces whatsoever, and him the said Thomas Lord Culpeper our Lieut. and Governor General of all our said colony and dominion of Virginia in America and of all the rights members and appertenanances whatsoever we for us our heirs and successors do make ordaine constitute and appoint by these presents, To have hold occupie possesse and enjoy the said office of our Lieut. and Governor General above mentioned with all and singular the rights authorities preheminences jurisdictions profitts sallaries and appertenanances whatsoever thereunto belonging and appertaining unto him the said Thomas Lord Culpeper to be executed by himselfe or in his absence by such deputy or deputies as we our heirs and successors shall and will commission thereunto from time to time from and immediately after the death surrender forfeiture or other avoidance of Sir Wm. Berkeley our present Govr. there for and during the natural life of him the said Thomas Lord Culpeper. And for the better support of the dignity of the said office wee do for us our heirs and successors give and grant unto the said Lord Culpeper the yearly fee and salary of one thousand pounds of lawfull money of England during his natural life which for us our heirs and successors wee do appoint to be paid from time to time to the said Lord Culpeper and his assigns during his natural life as aforesaid out of the first revenews and monies which are or shall be from time to time raised there for the support of the Government and payment of our officers of our said colony and dominion by quarterly payments upon the feast day of St. John the Baptist St. Michal the Archangel the nativity of our Lord God and the annunciation of the Blessed Virgin Mary by equal portions. The first payment thereof to begin and be made upon the first of the said feast days which shall next immediately ensue the death surrender forfeiture or other avoidance of Sir Wm. Berkeley and also all such other fees sallaries allowances profitts

perquisites powers authorities priviledges preheminences and jurisdictions whatsoever civill and military as to the said office of our Lieut. and Governor General do and ought to appertaine and in as large and ample manner to all intents and purposes whatsoever as the said Sr. Wm. Berkeley or any other person or persons hath do or ought to execute and enjoy the same. And lastly wee hereby strictly charge and command all our officers ministers and subjects whatsoever in or about the said collony or dominion of Virginia to bee at all and on all occasions obedient aydeing and assisting to the said Thomas Lord Culpeper and such deputy or deputies as shall bee commissioned by us our heirs or successors from time to time as aforesaid touching the due execution of the said office and employment and all the matters and things herein specified according to the tenor purport and intent of these presents any former grants commissions instructions or any other matter or thing whatsoever to the contrary notwithstanding. Although express mention of the true yearly value or certainty of the premisses or any of them or of any other gifts or grants by us or any of our progenetors or predecessors heretofore made to the aforesaid Thomas Lord Culpeper in these presents is not made or any statute act ordenance provision proclamation or restriction heretofore had made published ordeyned, or provided or any other thing cause or matter whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof wee have caused these our letters to be made pattend. Witness ourselves at Westminster the eight day of July in the seaven and twentieth yeare of our reigne.

Per Brevis privato Sigillo—duplex.

BARKER.

James City May the 10th 1680.

This commission publicly read in Court and Recorded in the Secretarys office.

Teste

HEN. HARTWELL, Cl. Ct.

The oath of the Governor.

YOU shall well and truly, according to the best of your skill knowledge and understanding execute and

Oath of Governor

performe the place and office of Lieut. and Governor General of the colony and plantation of Virginia according to a commission granted you by his Majestie bearing date the eight day of July in the seaven and twentieth yeare of his reigne. And observe such orders and directions as you shall receive from the King or by his appoyntment from the Laws of his Majesties Privy Counsell touching and concerning the well ordering and government of that plantation.

The 10th of May His Excellency Thomas Lord Culpeper was sworn Governor.

HEN. HARTWELL, Clk. Ct.

The oath of a Councillor.

Oath of councillor

YOU shall swear to bee a true and faithfull servant unto the King's Majestie as one of his Council of state and to bee aiding and assisting to his Lieut. and Governor General of Virginia you shall in all things to bee moved treated and debated in the counsell faithfully declare youre minde and opinion according to your hart, and conscience and shall keepe secreet all matters committed and revealed unto you concerning the same and that shall bee treated secretly in the councill untill such time as by the consent of his majesties Lieut. and Governor General and the full consent of the counsell of state there resident or the major part of them publication shall bee made thereof you shall to youre utmost beare faith and allegiance to the king's majestie his heirs and lawfull successors and shall assist and defend all jurisdictions preheminences and authority granted unto his majestie and annexed unto the crown against all forreigne princes persons prelates and potentates whatsoever and generally you shall act and doe in all things as a faithfull and true subject ought to doe to his majestie.

And so keep you God, by the holy contents of this booke.

The 10th of May 1680.

Sir Henry Chicheley, Knt.
Col. Nich. Spencer, Sec.
Col. Nath. Bacon, Aud.

Col. Robert Smith.
Col. Jos. Bridger.
Col. Wm. Cole.

Ra. Wormeley, Esq. Col. Thomas Swann.
 Richard Lee, Esq.
 Were sworbe Councillors.

HEN. HARTWELL, Clk. Ct.

THE names of his majesties council in Virginia, appointed by his majestie are. Sir Henry Chicheley, Lieut. Governor, Col. Nicholas Spencer, Secretary, Col. Nathaniel Bacon, Auditor, Col. Robert Smith, Col. William Cole, Col. Augustine Warner, Col. Joseph Bridger, Col. Ralph Wormeley, Col. John Custis. Major Richard Lee, Col. Rowland Place, Henry Meese, Francis Lee, Esquires, Mr. Tho. Swann and Col. Daniel Parkes deceased since the appointment. Attested this 10th day of May 1680.

THOMAS CULPEPER.

And this is our express command that such persons that shall upon due proof appear to have wilfully followed Bacon during the late rebellion be not admitted into office of trust without good reasons for the same. This is a true copy of one of my private instructions communicated by me to the councill, this 10th day of May 1680.

THOMAS CULPEPER.

Recorded by HEN. HARTWELL, Clk. Ct.

Grant to Lords Arlington and Culpeper.

[From book in the office of the General Court, labelled "Deeds-1682 to 1689, No. 3, p. 28.]

CHARLES the Second by the grace of God of England Scotland France and Ireland King defender of the faith &c. To all to whom these presents shall come Greeting, Know ye that wee for and in consideration of the many and faithfull services done to our late Royal ffather, of blessed memory, and to us by our right trusty, and right well beloved cousin, and councillor *Henry Earle of Arlington* our prin-

Grant to lords
 Arlington and
 Culpeper

cipall secretary of state, and by our right trusty and well beloved *Thomas Lord Culpeper, Baron of Thorsway* son and heir of *Johu late Lord Culpeper* deceased of whose meaiory and services wee retaine a favourable and gracious sence, and for divers other good causes and considerations us thereunto especially moving, of our especiall grace, certaine knowledge and meere motion, have given granted and demized and by these presents for us our heirs and successors doe give, grant and demize unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their Executors administrators and assigns all that entire tract territory region and dominion of land and water commonly called *Virginia* together with the territory of *Accomack*, and all that part of the bay of *Chesapeake*, that lyeth betweene the same, or any part thereof and all other the rights members jurisdictions and appurtenencies thereof, situate lying and being in *America* adjoining to the colony and dominion of *Maryland* towards the north, to the great ocean, towards the east, to the colony and dominion commonly called *Carolina*, towards the south, and are bounded towards the west by a line leading from the first spring of the great river commonly called *Patawomack* to the first spring of the river *Rappahanock*, and from thence to the first spring of the great river of *Powhatan* otherwise called *James River*, and from thence in a meridian line to the said colony or dominion called *Carolina*, as also all those other tracts regions dominions and territories of land and water, situate lying and being beyond the uttermost adjacent limitts of *Carolina* aforesaid, and the westernne limitts of the lands and countries hereby granted, and the uttermost westernne limitts of *Maryland*, or any of them betweene about thirty six degrees and one halfe, and forty degrees of northerne latitude to the great sea towards the west, as also all islands whatsoever with all or any the limitts and precincts aforesaid or within ten leagues of any the coastes of any of the said territories, together with the soyle of all and singular the premises, and all woods underwoods timber and trees, wayes, mountains, swamps, waters rivers, ponds lakes, pooles watercourses, streames ffishings, havens. ports, harbours, bays, creeks, wrecks of sea, flotson jetson. and lagon. with all sorts of fish what-

Extent of grant.

Boundaries.

Islands

Royal privileges

soever, as well whales, sturgeons and all other royal fishes as all others whatsoever in the said seas, bayes, lakes, rivers and waters, and all sorts of deere wild beasts and fflowl, of what nature or kind soever and all royal mines and other mines whatsoever, which now are or at any time or times hereafter shall be had found or taken within the limitts prescints or places aforesaid, together with the royalty of the said seas and bays afore granted, as also all and singular the premisses or any parts thereof, that during the continuance of this grant shall in any wise escheat or become forfeit, to us our heirs and successors and all and all manner of quit rents, and other rents, payments duties and reservations whatsoever due or payable to us upon any grant of the premisses or any part or parts thereof made by our selfe, or any of our royal predecessors or by the Govenor and Counsill of *Virginia* for the time being or any other person or persons whatsoever therein including the rent of six pounds thirteene shillings and four pence per annum reserved upon a grant made by us to *Henry Earle of St. Alban* and others of certaine lands bearing date the eight day of *May* in the one and twentieth year of our raigne, saving excepting and reserving unto us our heirs and successors one full fifth part the whole in five parts to be divided of all gold mines and gold oare, and one full tenth part the whole in ten parts to be divided of all silver mines and silver oare hereafter to be had or found within the said regions tracts territories and dominions or any or either of them. TO HAVE HOLD POSSESS AND ENJOY all the said entire tract territory region and dominion of land and water commonly called *Virginia* together with the territory of *Accomack*, and all that part of the bay of *Chesapeake*, that lyeth between the same or any part thereof, and all other the rights members jurisdictions and appurtenances thereof and all other tracts regions dominions and territories of land above mentioned together with all the said quit rents, and other rents, payments duties and reservations, and all and singular other the premisses herein before mentioned and intended to be hereby granted with their and every of their appurtenances (except before excepted) unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assigns from the tenth day of *March* last past before the date hereof

Escheats and forfeitures.

Quitrents.

Reservation of gold and silver mines.

Habendum.

for and during and unto the full end and terme of thirty and one years from thence next ensueing fully to be compleate and ended, without impeachment of wast, and with full power and libberty to committ wast; to the only proper use and behoof of them the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assignas and to noe other use intent or purposerte whatsoever *yielding and paying* therefore yearly and every yeare during the said terme to us our heirs and successors the yearly rent or sum of forty shillings of lawfull money of *England*, att the receipt of the exchequer att *Westminster* upon the ffeast day of *St. Michaell* the Arch Angell, and we doe also give and grant unto the said *Earle* and *Lord Culpeper*, their executors administrators and assigns to their own proper use and behoofe without account all arrears of rents the said quitt rents and other proffitts whatsoever of the premisses and every or any part or parts thereof which accrewed or should have been answered or paid to us since the eight day of *May* which was in the yeare of our Lord one thousand six hundred sixty nine until the day of the date of these presents, with full power and authority either in the name of us, our heirs or successors but to their own proper use, or in their own name or names to sue for recover compound or discharge the same and every or any part or parcell, parts or parcells thereof, and our treasurer receivers and all other our officers or other persons that have received the same or any part thereof, or are chargeable therewith are hereby ordered and required to pay the same to them accordingly. AND wee doe further by these presents of our especial grace certaine knowledge and meere motion, for us our heirs and successors give and grant unto them the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assigns and every of them by themselves or their deputy or deputies full power lycense and authority from time to time, and att all times hereafter, during the said terme of thirty one yeares by Indenture under the seale hereafter mentioned and registered as is herein after prescribed to give and grant in fee simple unto any planter or planters or other person or persons whatsoever their heires and assigns for ever, or for any lesser estate such parts

For 31 years.

Reddendum.

Grant of arrears of rents & quitrents.

Power to grant lands in fee simple.

and parcells of the premisses not already granted, as also such parts and parcells thereof as during the said terme of one and thirty yeares shall escheate or by any meanes become forfeited unto us our heirs or successors as they shall think fitt under the yearely rent of two shillings of lawfull money of England at the least to be paid half yearly in specie and not in tobacco or any other comodity for every hundred acres of land that shall be granted, and so proportionably for a greater or lesser quantity, and with such other reservations provisoes and agreements as they shall think fitt, the said rents and reservations to be made payable and payd to the said *Henry Earle of Arlington* and *Thomas Lord Culpeper*, their executors administrators and assigns during the said terme of one and thirty years from the respective times of the granting thereof to their own proper use and behoof without accounting to us our heirs and successors from and after the expiration of the said terme of one and thirty yeares, which said grants shall be as good and effectual in the law to the person and persons to whome the same shall be made their heirs and assigns to all intents and purposes, as if the lands therein mentioned to be granted had been granted by ourself under our great seale, or by the Governor and Council of Virginia for the time being. AND alsoe wee doe hereby give and grant unto the said *Earle* and *Lord Culpeper* their executors administrators and assigns full power and authority to ratifie and confirme all grants heretofore made to any person or persons of any part or parts of the premisses under the rents therein reserved, although there be more land enjoyed by colour thereof than was expressed or intended to be thereby granted which wee hereby declare shall be as good and effectual in the law to the persons or persons and his or their heirs to whome such grants ratifications or confirmations shall be made as if the same had been passed under our great seale of *England*. AND wee do alsoe of our especial grace certaine knowledge and meere motion for us our heirs and successors give and grant unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assigns during the continuance of this demise full power licence and authority under the seale hereafter mentioned to divide and subdivide the said regions tracts territo-

Reservation of
2 shillings per
100 acres

Power to confirm former grants.

Power to establish counties, parishes, towns, &c.

Churches, Col-
leges, &c. may
be erected and
endowed by
grantees.

Grantees, pa-
trons of
churches.

May present
incumbents.

May appoint
sheriffs, es-
cheators, sur-
veyors, and
other officers.

On failure to
appoint she-
riffs, how they
are to be ap-
pointed.

ries and dominions into counties hundreds parrishes tythings townships hamletts and boroughs and to erect and build upon such parts and places as shall to them seeme fitt and convenient, citties towns, parrishes churches colledges chappells free schools alm houses and houses of correction, and to endow them with lands tenements goods and chattles, at their free will and pleasure, which divisions and subdivisions, counties hundreds citties parrishes, tythings townships hamletts, boroughs churches, colledges chappells freeschools almshouses and houses of correction shall be and remaine forever for the better government and ordering the said country and plantation. AND wee do hereby give and grant for us our heirs and successors unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assigns and every of them that they shall be during the said one and thirty yeares sole and absolute patrons of all and every Church and Churches already built, or hereafter to be built and endowed within the regions tracts territories and dominians above mentioned, and shall and may from time to time dureing this demise nominate and present able and fitt persons to be incumbents of the said Churches and masters of the said Colledges, and upon the avoidance of such Churches masterships of Colledges and free schools or any of them whether it shall be by death resignation deprivation or otherwise, to nominate and present such other fitt person or persons to such Churches Chappells Colledges and free Schools so happening to be void as to them shall seem fitt and convenient with full power and authority from time to time to nominate and under the said seale to constitute and appoint sherriffs escheators surveyors and other officers in the said regions and countries with such orders and instructions from time to time for the said several and respective officers to perform as they shall think fitt, for the settling and collecting the said rents, and otherwise for and concerning the execution of the powers and authorities hereby granted, which orders and instructions they and every of them are hereby commanded and required to perform and execute, which sherriffs and all other officers shall be admitted and sworne after the usual manner used in the said country of *Virginia*. *Provided allways that if the said Henry Earle of Arlington and Thomas*

Lord Culpeper, their executors administrators and assigns deputies and assigns doe neglect or omitt to nominate constitute and appoint sherriffs at the usual times, that then and in such case, they shall be appointed and made after the usual manner in the said country, used for the yeare next ensueing such fayler. AND wee hereby also give power and authority to the said *Earle* and *Lord Culpeper* their executors administrators deputies and assigns to make faires, marketts, parkes, and warrens in any part or parts of the premisses hereby intended to be granted, at their free will and pleasure, and alsoe that they the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assigns, shall and may erect or make in or upon any part or parcell of the said regions tracts territories and dominians of land any mannors with courts leet, court baron, and view of franck pledge and other perquisites and proffitts whatsoever to mannors court leet, court baron, and view of franck pledge respectfully incident or in any wise appertaining. AND our further will and pleasure is, and we doe hereby direct and appoint that there shall be a seale, such as the said *Earle of Arlington* and *Thomas Lord Culpeper* their executors adm'rs. or assigns shall think fitt, which they have hereby power to make and alter at their pleasure to be from time to time used for sealing the said grants and confirmations of lauds, constitution of officers, and otherwise touching the execution of the powers and authorities hereby grauted. AND also that there bee a booke or several bookes or registers kept by such person or persons as the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors or assigns shall from time to time during the said terme nominate or appoint, wherein all grants and confirmations to be made by the said *Earle* and *Lord Culpeper* their exors. admrs. and assigns or any of them to any person or persons whatsoever within the regions dominians and territories aforesaid shall be entered and registered. AND wee doe hereby expressly declare that no grant or confirmation of lands shall be good and effectual in the law, until the same shall be registered and entered as aforesaid, and from the time of such registering or entering only and not before, coppies of which grants and confirmations and other

Power to make fairs, markets, &c.

To erect mannors, courts-leet, court baron and view of frank pledge.

Public seal.

Register of patents.

Copies of registered patents to be evidence.

Proviso as to
former grants.

things certified under the hand of such register shall be admitted in all courts as good evidence thereof, and pleadable in any court of judicature *Provided allways*, that these presents or any thing herein contained, shall not extend to be construed to extend to impech, or prejudice the said grant to the said *Earle of St. Albin* and others, or any other grant or grants heretofore made by us or any of our royal predecessors under the great seale of *England* to any person or persons whatsoever of any part or parts of the said regions territories lands and premices the rents and duties thereupon reserved being from time to time during the said terme of one and thirty yeares duly paid to the said *Earle of Arlington* and *Thomas Lord Culpeper*, their executors administrators or assignes, nor impeach nor prejudice any grant or grants made by the Governor and Council of *Virginia* for the time being to any other person or persons whatsoever now in possession thereof, whereupon there is reserved and paid to us the yearly rent of two shillings att the feast to be paid in specie and not in tobacco nor any other commodity for every one hundred acres of land, and so proportionably for a greater or lesser quantity, and for the better encouragement of the said *Henry Earle of Arlington* and *Thomas Lord Culpeper*, their executors administrators and assignes to augment our revenew by granting the said lands we doe hereby for us our heirs and successors grant unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper*, their executors administrators and assignes all and singular rents quitt rents and other advantages to be from henceforth reserved or payable to us our heirs and successors on any grants of lauds to be made by them or any of them for and during the full end and terme of one and thirty yeares from the commencements of such grants respectively and without account or any rent to be paid or rendered to us, our heirs and successors for the same after the end or determination of this present demise. AND we doe hereby will and strictly charge and command the Governor and Council of *Virginia*, and all judges and other officers and ministers whatsoever now and for the time to come that they and every of them respectively be from time to time aiding and assiting to the said *Earle* and *Lord Culpeper* their executors and administrators deputies and assignes in

Grant of quit-
rents for 31
years.

Governor and
council and
others enjoined
to enforce
this grant.

all things touching the settling recovery and collecting of the said rents and arrears of rents and proffitts and otherwise concerning the execution of all and every or any the grants powers or authorities hereby granted. AND that the said Governor and Councill of *Virginia* doe from henceforth forbear to make any more or further grants of any lands or grounds within the regions territories or dominians aforesaid or any of them to any planter or planters or any other person or persons whatsoever. AND that the said Governor and Councill and the treasurer of *Virginia* and receiver there, and all other our officers and ministers whatsoever from henceforth doe forbear to receive any the said rents or any way intermeddle therewith or with any part thereof or with any other matter or thing by these presents granted to the said *Earle* and *Lord Culpeper* except the appointing of sherriffs in default of the said *Earle* and *Lord Culpeper*, any grant commission act law instructions or other authority matter or thing whatsoever to the contrary in any wise notwithstanding. AND wee doe further for us our heirs and successors covenant grant and agree to, and with the said *Earle* and *Lord Culpeper* their executors administrators and assignes. and to and with every of them by these presents that att any time hereafter during the terme of one and thirty years upon humble suite made unto us by the said *Earle* and *Lord Culpeper*, their executors or assignes that wee our heirs and successors shall inlarge and confirme these our letters pattents with such favorable concessions and grants as may supply any defects therein contained. AND wee doe hereby further nominate constitute and appoint, the said *Earle* and *Lord Culpeper* their executors administrators and assignes our commissioners, and doe give them sufficient power and authority during the time and terme aforesaid to execute all and singular the powers and authorities hereby granted or expressed mentioned or intended by these presents. AND lastly wee doe hereby declare and grant that these presents or the inolment thereof shall be good and effectual in the law to all intents and purposes whatsoever against us our heirs and successors in all the courts of us our heirs and successors and in all other places whatsoever, and shall be construed and taken most favourably and beneficially for the said *Earle* and

No more lands
to be granted
by governor
and council.

Lord Culpeper their executors administrators and assigns. Notwithstanding the misnaming or not rightly naming or mentioning of the said regions territories lands and dominians or any of them. And notwithstanding the not reciting or mentioning, or not true reciting or mentioning of any demise or grant, demises or grants heretofore made of the premisses or any part or parts thereof, whether of record or not of record, and notwithstanding any other defect incertainty or imperfections in these presents contained, or any act, statute grant, instructions provissions restraint or other matter or thing whatsoever to the contrary notwithstanding, although express mention of the true yearly value or certainty of the premisses, or of any of them, or of any other gifts or grants by us or by any of our progenitors or predecessors heretofore made to the said Henry Earle of Arlington and Thomas Lord Culpeper in these presents is not made or any statute, act, ordinance provision, proclamation or restriction heretofore had made enacted ordained or provided or any other matter cause or thing to the contrary thereof notwithstanding. In witness whereof we have caused these our letters to be made pattents. Witness our selfe att Westminster the five and twentieth day of february in the five and twentyeth yeare of our raigne. By writt of privy seale.

CHILDE.

Deed from Lord Arlington to Lord Culpeper.

Deed from lord Arlington to lord Culpeper, carrying his interest in the territory of Virginia.

THIS INDENTURE made this tenth day of September in the three and thirtieth year of the reigne of our sovereigne Lord *Charles* the second by the Grace of God of *England Scotland France and Ireland* King defender of the Faith, &c. *Annoque Domini* one thousand six hundred eighty one, BETWEENE the right Honble. *Henry Earle of Arlington* Knight of the most noble order of the Garter, and Lord Chamberlaine of his said Majesties Household on the first part, and the Right Honorable *Thomas Lord Culpeper Baron of Thorseway* his Majesties Lieutenant and Governor General of *Virginia* on the second part. *Whereas* his said Majesty by his letters pattents under the

great seal of *England* bearing date the five and twentieth day of *February* in the five and twentieth yeare of his reigne for the consideration therein mentioned did give grant and demise unto the said *Henry Earle of Arlington*, and *Thomas Lord Culpeper* their executors administrators and assigns, all that entire tract territory region and dominian of land and water commonly called *Virginia*, together with the territory of *Accomack* and all that part of the bay of *Chesapeake*, that lyeth betweene the same, or any part thereof, and all other the rights members jurisdictions and appurtenances thereof, and the several other tracts regions dominians and territories therein mentioned, as also all islands whatsoever within tenn leagues of any the coasts of any the said territories, together with the soyle of all and singular the premisses, and all woods underwoods timber and trees, mountains swamps waters rivers lakes bays havens ports creeks wrecks of sea flatson jetson and lagon, whales and royall fishes whatsoever, together with the royalty of the said seas and bayes, and all royal mines and other mines whatsoever, as also all and singular the premisses or any parts thereof, which during the continuance of the said grant shall in any wise escheat, or become forfeit to his majesty his heirs and successors and all manner of quitt rents, and other yearly rents payments duties and reservations whatsoever due or payable upon any grants of the premisses, or any part or parts thereof made by his said majesty or any of his royall predecessors or by the Govenor and Councill of *Virginia* for the time being, or any other person or persons whatsoever therein including the rent of six pounds thirteen shillings four pence, reserved upon a grant made by his said majesty to *Henry Earle of St. Albans* and other bearing date the eight day of *May* in the one and twentieth yeare of his reigne, as also all powers priviledges grants clauses covenants advantages authorities conditions agreements and other things and matters whatsoever mentioned and granted, or intended to be granted by the said letters pattents excepting and reserving as is therein excepted and reserved together with all arrears of the said quitt rents, and other yearly profitts which accrewed since the said eight day of *May* as relation being thereunto had it doth

and may more att large appeare. *To have and to hold* all & singular the said tracts regions territories and dominians with all the rights members jurisdictions and appurtenances thereunto belonging, together with all and singular the said quitt rents and other yearely rents payments duties and reservations and other the premisses unto the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* their executors administrators and assignes from the tenth day of *March* then last past before the date thereof unto the full end & terme of one and thirty yeares from thence next ensueing, and fully to be compleat and ended att and under the yearely rentt of forty shillings of lawfull money of England payable as is therein expressed as in and by the said letters patentts remaining on record amongst divers other covenants grants clauses powers advantages authorities conditions and agreements therein contained relation thereunto had it doth and may more fully and att large appeare.

NOW THIS INDENTURE witnesseth that the said *Henry Earle of Arlington* for and in consideration of a competent sum of lawfull money of *England* to him in hand paid by the said *Thomas Lord Culpeper* before the ensealing and delivery hereof, the receipt whereof he doth hereby acknowledge and thereof and of every part thereof doth acquitt and discharge the said *Thomas Lord Culpeper* his heirs executors administrators and assignes and every of them forever by these presents, and for divers good causes and valuable considerations him thereunto especially moving, hath granted bargained sold assigned released and confirmed and by these presents doth grant bargain sell assigne release and confirme unto the said *Thomas Lord Culpeper* in his actuall possession now being all the said entire tract territory region and dominian of land and water commonly called *Virginia*, together with the territory of *Accomack* and all that part of the bay of *Chesapeake* that lyeth between the same or any part thereof, and all other the rights members jurisdictions and appurtenances thereof, and the several other tracts regions dominians and territories therein mentioned as also all islands whatsoever within ten leagues of any the coasts of any the said territories together with the soyle of all and singular the premisses and all woods under woods tim-

ber and trees mountaines swamps waters rivers lakes bayes havens ports creeks wrecks of sea, flotson jettson and lagon whales and royall fishes whatsoever together with the royalty of the said seas and bayes and all royall mines and other mines whatsoever as also all and singular the premisses or any parts thereof which during the continuance of the said grant shall in any wise escheate or become forfeit to his majesty his heirs and successors and all manner of quitt rents, and other yearely rents, payments duties and reservations whatsoever, due or payable upon any grants of the premisses or any part or parts thereof made by his said majesty or any of his royall predecessors or by the Govenor and Council of Virginia for the time being, or any other person or persons whatsoever therein including the rent of six pounds thirteen shillings four pence reserved upon a grant made by his said majesty to *Henry Earle of St. Albans* and others bearing date the said eighth day of *May* in the one and twentieth yeare of his raigne as also all powers priviledges grants clauses covenants advantages authorities conditions agreements and other things and matters whatsoever mentioned and granted or intended to be granted by the said letters pattents, together with the letters pattents themselves and all deeds writings and papers relating or belonging to the same, as also all arrears of rents issues and proffitts thereof whatsoever together with all escheates forfeitures and other perquisites granted by the said letters pattents and incurred and grown due at any time since the abovementioned eighth day of *May* in the one and twentieth yeare of his now majesties raigne to the date hereof, none of which said rents issues proffitts, escheates forfeitures, and perquisites have ever been received by the said *Henry Earle of Arlington* or come to his use or disposall from the very first beginning to this day, and all the esstate right title interest, trust claime property and demand whatsoever, either in law or equity of the said *Henry Earle of Arlington* unto the above granted premisses or any part thereof by virtue of the said letters pattents, or otherwise howsoever, with full power and authority to the said *Thomas Lord Culpeper*, his executors administrators and assigns att his and their own costs and charges either in his or their own name or in the name of the said

Henry Earle of Arlington his executors administrators and assignes or in their joint names, but to the only proper use and behoof of the said *Thomas Lord Culpeper* his executors admrs. and assignes, to sue for from time to time and to use all legall meanes to recover and receive all and singular the above sold arrears of rents issues profitts escheates forfeitures and perquisites and to give receipts and discharges for the same att the good will and pleasure of him the said *Thomas Lord Culpeper* his executors administrators and assignes in as large and ample manner to all intents and purposes whatsoever as they may now jointly doe by virtue of the said letters patents or as if the name of the said *Thomas Lord Culpeper* had been originally alone inserted therein. To HAVE AND TO HOLD all the said entire tracts territories and dominians above mentioned together with all and singular the above sold premisses whatsoever, with their and every of their appurtenances to the said *Thomas Lord Culpeper* his executors administrators and assignes and to noe other use intent or purpose whatsoever, and the said Henry Earle of Arlington for himselfe his heirs executors administrators doth covenant grant and agree to and with the said *Thomas Lord Culpeper* his executors administrators & assignes and every of them by these presents that it shall and may be lawfull to and for the said *Thomas Lord Culpeper* his executors administrators and assignes to have hold receive and enjoy to his and their own proper use and behoof all and singular the above sold premisses with their and every of their appurtenances, together with all the arrears of rents quitt rents issues profitts escheates forfeitures perquisites and advantages whatsoever thereof and every part thereof from the first beginning (none having ever been received by the said *Henry Earle of Arlington* to this day) without the lawfull lett suite trouble interruption molestation incumbrance or denyall of the said *Henry Earle of Arlington* his heirs executors administrators and assignes or any other person or persons claiming from by or under him them or any of them, as also that upon the request and the proper costs and charges of the said *Thomas Lord Culpeper* his executors administrators and assignes the said *Henry Earle of Arlington*

his heirs executors and administrators shall and will acknowledge seale and execute such other acts conveyances releases deeds and other assurances whatsoever as he and they shall think necessary for the more perfect conveying assuring and recovery of the above sold premisses and every part thereof with the appurtenances and all and singular the arrears thereof whatsoever. IN WITNESS whereof the said *Henry Earle of Arlington* and *Thomas Lord Culpeper* have hereunto interchangeably sett their hands and seales the day and yeare first above written.

ARLINGTON.


 Seale.

Sealed and delivered in }
 the presence of }
 MA. BOBINGTON }
 R. GORDON }
 GEO. ANTROBUS }
 THOMAS BACHELIER. }

May 26th 1683 This day *Thomas Bachelier* came personally before me *Nicholas Spencer Esqr.* his Majesties Secretary of *Virginia* and on his corporall oath did declare upon the Holy Evangelists of Almighty God that he saw the Right Honourable *Henry Earle of Arlington*, signe seale and deliver the within deed as his act and deed.

NICHOLAS SPENCER.

[Lord Culpeper, afterwards assigned his interest to the King. See ante p. 521.]

THE END.

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SECOND VOLUME

OF THE

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